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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91176791
Party	Plaintiff UMG RECORDINGS, INC.
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Submission	Testimony For Plaintiff
Filer's Name	Alexa Lewis
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Signature	/s/ Alexa L. Lewis
Date	09/15/2009
Attachments	P. CAPARIS DECLARATION - PDF (2374575).PDF (206 pages)(7910899 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No. 78/7 Published for Opposition in the OFFICIAL	
UMG RECORDINGS, INC.	Opposition No.: 91176791
Opposer	
v.	
MATTEL, INC.,	
Applicant	

TRIAL DECLARATION OF PETER CAPARIS

PETER CAPARIS declares under penalty of perjury as follows:

1. I am the founder of The Caparis Group LLC, a sales and marketing consulting firm. Specifically, The Caparis Group is retained by sports, entertainment, consumer products, publishing and philanthropy clients to, among other things, provide integrated sales and marketing solutions involving areas such as sponsorship, licensing, product development, and strategic alliances. I have over 30 years experience in consumer sales and marketing, including an emphasis on sponsorship and licensing. During my career I have been involved in all aspects of marketing, including devising marketing plans, naming products, exploiting brands, and the advertising and promotion of branded and trademarked products. I have also taught a course at the UCLA Anderson

School of Management that involved the use of entertainment and sports in marketing.

My CV, fee statement and materials reviewed are attached hereto as Exhibit 1.

- 2. I have read the Trial Declaration of Lawrence Ferrara submitted by Applicant, Mattel, Inc. I have prepared this declaration at the request of Opposer, UMG Recordings, Inc., in rebuttal to Mr. Ferrara's testimony. As I will describe hereafter, Mr. Ferrara, who is a musicologist and does not indicate that he has any experience or expertise in marketing, has missed the point. He has viewed this Opposition from a "musicological perspective" and engaged in what he calls "musicological research," when in fact the trademark issue at hand is a marketing/branding issue.
- trademark. That Motown is "widely known as a record company" is clear, as Mr. Ferrara himself acknowledges. Moreover, it is indisputable and Mattel does not appear to dispute that Motown is an extremely famous and highly recognizable trademark. I, of course, was familiar with the Motown trademark before I was retained in connection with this matter, and in addition I have reviewed some of the history of the Motown mark. As Berry Gordy, the founder of Motown Record Corporation, reports in his own book, the name "Motown" was devised by him almost 50 years ago. (An excerpt from this book is attached as Exhibit 2.) The story of how Gordy used part of "Motor City" (a long-time nickname for Detroit) by taking the "Mo" from "Motor" and adding "town" is widely reported and apparently uncontradicted. For example, Mattel has submitted an excerpt from another book that explains, "Gordy returned to his favorite method of combining a couple of names. Detroit had long been known as the Motor City because of the car industry. In place of city, Gordy substituted town, and a contraction of the two gave him

Motown." (See Applicant's Notice of Reliance Re: Printed Publications, vol. 3 of 7, Exh. A, page 344.)

- 4. Over the years, Motown has been the subject of enormous media attention, including in the popular press and in books. In addition to the works mentioned above, some of the numerous books written exclusively about Motown are P. Benjaminson, The Story of Motown (1979); D. Waller, The Motown Story: The Inside Story of America's Most Popular Music (1985); S. Davis, Motown: The History (1988); J. R. Taraborelli, Hot Wax, City Cool and Solid Gold: Motown (1986); B. Fong-Torres, The Motown Album (1990); and G. L. Early, One Nation Under A Groove: Motown and American Culture (revised ed. 2004). (See Exhibit 3.) The widespread media coverage of Motown's recently celebrated 50th anniversary, which coincided with the release of a 10-CD boxed set containing all of Motown's #1 singles, included feature articles in Vanity Fair ("It Happened In Hitsville" [December 2008]), and the New York Times ("Motown Turns Fifty, But the Party's Far from Over" [September 5, 2009]). (See Exhibits 4, 5.)
- 5. For the past 50 years, Motown has been used as both the name of the Motown Record Corporation and the successors thereto, and a trademark for Motown products. (Of course, it has been registered several times with the U.S. Patent and Trademark Office.) Among other things, Motown recordings have been in the marketplace continuously and have sold well over one hundred million copies. (The website of the Recording Industry Association of America, Inc., reflects that Motown's sales of "Platinum" albums alone, i.e., albums certified by the Association to have sold

more than one million copies, exceed 100 million copies. See Exhibit 6.) Motown recordings are also among the most successful and recognizable recordings in history, embodying the performances of such artists as The Jackson Five, The Supremes, The Temptations, Stevie Wonder, and Marvin Gaye, to name a few. The mark "Motown" has been widely advertised. (See examples provided in Exhibit 7.). There is a "Motown Museum" devoted to the record label. (See Exhibit 8.) As indicated above, Motown's 50th anniversary has been celebrated with special events and products; its 40th Anniversary celebration likewise received widespread publicity and included a hit television special, "Motown 40: The Music Is Forever." (See Exhibit 9.)

- 6. In these ways, among many others, the trademark "Motown" has become widely known and extremely strong. It is even referred to in dictionaries as a "trademark." See, for example, The New Grove Dictionary of Music and Musicians (2d ed. 2001) attached as Exhibit B, pp. 17-18 to the Ferrara Declaration, stating "Motown: American record company specializing in black soul music; the name is the registered trademark of the company"; and The World Book Dictionary (2003) referring to "Motown" as "a trademark of a Detroit record company." (Excerpts from both works are provided in Exhibit 10.)
- 7. The Motown trademark also has been used and licensed, including as most important here, for toys, games, and playthings, such as board games, stuffed animals, video games, karaoke CDGs, musical toy keychains, novelty pens and pencils, superballs, and the like. (See e.g. Trial Declaration of William Waddell, Exhs. J-T; Declaration of

¹ According to the RIAA website, the certification of Platinum albums began in 1976.

Deanna Czapala, Exhs. 2-3; Declaration of William Schulte, Exh. 2; Declaration Michael Rajna, Exh. 2; Declaration of Anton Handal, Exh. 3; Declaration of Melissa K. Cote, Exh. 1.) There is a natural connection between such products and the Motown record label, since record companies are widely known to sell "merchandise," which Motown does. In addition, the Motown trademark has been used on a variety of other products, including T-shirts, hats and other clothing, merchandise such as magnets, pins, wristbands, totebags, glassware, and coasters, comic books, and "Motown Cafés" in Orlando, New York, and Las Vegas. (See id. and examples provided in Exhibit 11 and Trial Declaration of Jerry Juste, Exh. H.) When the Motown trademark was licensed in 2003 for use on a karoke CDG, a UMG Strategic Marketing executive was quoted as stating that this license was "part of the ongoing merchandising initiative behind the Motown brand." (See Exhibit 12.)

8. Mr. Ferrara's entire declaration is dedicated to showing that there is a "Motown style." To the extent that is the case, that simply evidences the strength of the Motown mark. There is no doubt that the "Motown" in "Motown style" refers to the product and goods of Motown Record Corporation and the successors thereto. The fact that Motown has been used to describe a style of music does not denigrate, but rather strengthens, its trademark and branding significance. It is only very strong and famous trademarks that are used in this manner. (Examples would be calling certain actions "mickey mouse" or a politician "teflon" or referring to "the Rolls Royce of products.") I also note that most often in the illustrations provided by Mr. Ferrara the word "Motown" in "Motown style" is capitalized (as opposed to other types of music), further evidencing its use as a trademark. However, most important here, the trademark Motown is not used

by Mattel in the sense of a style of music but only as a purported trademark on the packaging of a product.

9. Similarly, the evidence submitted by Mattel that refers to the city of Detroit as "Motown" also shows the strength of the Motown trademark as it refers to the record company. (Of course, Detroit is also known as "the Motor City" and "the big D," among other nicknames.) Moreover, all of the references to Motown as one of the nicknames for Detroit that were submitted by Mattel are references in various media articles. They are not trademark uses or associated with a product, in distinction to the trademark uses of UMG and now Mattel. Any association of Motown in the minds of consumers with the city of Detroit is an association derived from the previous and ongoing fame and power of the Motown mark. The earliest use of "Motown" to refer to the record company, as reported in the Oxford English Dictionary Online, is 1961, while the earliest use of "Motown" to refer to the city of Detroit is ten years later in 1971. See Applicant's Notice of Reliance Re: Printed Publications, vol. 3 of 7, Exh. A at 317-18, submitted by Mattel. An official Michigan website concerning historic preservation specifically refers to the record company's influence: "In 1980 the Motown Historical Museum was established at Hitsville U.S.A. to commemorate the Motown Sound and to memorialize Motown's distinctive heritage and its global impact." (See Exhibit 13.) In essence, this "distinctive heritage" caused the city to become known (and sometimes referred to) by one of, if not its most, significant businesses and strongest trademarks: "Nashville has country music. Chicago has the blues. New Orleans has Dixieland. Seattle has grunge. And Detroit will always identify itself with Motown, the 40-year-old record label that set new standards for black performers in the record industry and the

rest of the business world." Crain's Detroit Business, November 1, 1999. (See article attached as Exhibit 14, emphasis added.)

- 10. I will now further describe, from a marketing perspective, the reasons that, in my opinion, the use by Mattel of the Motown mark likely will cause confusion and likely will dilute UMG's trademark.
- 11. Initially, it should be pointed out that the fame of the Motown mark had reached those at Mattel who named their product "Motown Metal." They knew not only of the Motown label but also of its famous recording artists. However, Mattel's use of "Motown Metal" is curious. There is no doubt that Mattel purports to use it as a trademark (even seeking this registration), and indeed, in my opinion, it does use it, albeit confusingly, in that manner on its toy cars. But there were other choices that Mattel could have made that would have been more appropriately matched to the handful of Hot Wheels toys (or the "segment," as Mattel calls it) that are so-called "muscle cars." For example, in its internal documents that I have reviewed, Mattel initially named these cars "Muscle Cars," not Motown Metal. (See e.g. Exhibit 15.) Indeed, the name Motown Metal does not specifically describe this genre of car, but "muscle cars" does just that. However, while "muscle cars" could refer to many of the hundreds of Hot Wheels cars, Mattel purported to use "Motown Metal" only on this one segment of five cars and does not use it anyplace else (as opposed to the widespread use by Motown Record Corporation and the successors thereto). Further, apparently Mattel used the "Motown Metal" name for only two years, has not used it since 2007, and has no plans to use it again. (See e.g. Mattel's Responses to UMG Interrogatory Nos. 1, 11, 13, attached as Exh. B to UMG's Notice of Reliance Re: Written Discovery Responses.) Thus, there

would be no reason for the public or the consumer to associate Motown or Motown Metal with Mattel and every reason to associate it with UMG's ubiquitous Motown trademark.

- marketing perspective (including the likelihood of confusion "Motown Metal" will engender) is the fact that the Motown trademark and Motown Metal are, from a consumer standpoint, identical. The reasons for this are multiple: first, the word "Motown" is the most dominant aspect of "Motown Metal"; it comes first, and it modifies the word "metal." Second, the word "metal" is not part of the "brand" but is merely descriptive of the metal composition of the toy and would be ignored by consumers as a source of origin. Third, the typeface of the Motown trademark and "Motown Metal" is the same plain typeface. Finally, Mattel even uses a stylized "M" in connection with Motown Metal, just as Motown Record Company has used a stylized "M" in connection with its Motown trademark. See e.g. Exhibit 16 (Deposition of Raymond Adler at 75); Exhibit 17. Beyond being identical, in the second year of its use, Mattel even increased the size and prominence of "Motown Metal" on its packaging. (See Exhibit 17.) In sum, the appearance, the sound, and the impression of the two "marks" are the same.
- 13. Type of Goods/Channels of Trade: Further contributing to likely consumer confusion are various factors relating to the type of goods on which the Motown mark is used and their channels of trade. Both Mattel and UMG use the Motown trademark on toys and playthings. Both products are leisure goods, nonessential, and collectible. ("Forever Collectibles," one of the licensees of the Motown mark, is one of the largest manufacturers of collectible playthings.) In addition, both the toys and playthings licensed by UMG, and Motown recordings themselves, are sold in the same

type of outlets as Motown Metal toys, and frequently in the same outlet itself, including in major retail stores and on the Internet. Those two sources are now the two largest sources for sales of Motown recordings and also sell Hot Wheels (including Motown Metal). Examples of where both Mattel's Motown Metal toys and Motown Records are currently sold include the popular websites Amazon.com and eBay.com, and both have been sold by K-Mart stores, Wal-Mart stores, Target stores, and Toys "R" Us. (See Exhibit 18; Exhibit 16, Adler Deposition at 100-101.)

14. <u>Demographic</u>: The consumer group for Mattel's Motown Metal product and UMG's Motown branded products are the same or at the least significantly overlap. Mattel has claimed that Motown Metal cars are aimed at children as well as adult collectors, and Mattel has maintained separate Hot Wheels websites for these two groups. (See Exhibit 19 and Mattel's Response to UMG Interrogatory No. 15.) Together they cover a large age range. Of course, the Motown-licensed toys and playthings (and many other licensed items) also are for children; however, frequently they will be purchased by adult collectors who are very familiar with the Motown mark. Both recordings on the Motown record label and Motown Metal cars (which are circa 1970s) even evoke the same general era of approximately 40 to 50 years ago. (As a result, as noted, Motown had a large 40th Anniversary campaign, and Mattel released a "40th Anniversary Motown Metal" two-car collector set. See Exhibit 20.) Further, teenagers (or younger), who are among the largest group of purchasers of recordings, will be very familiar with the Motown name. Motown's internal marketing materials highlight the brand's "inclusive" and "generational" appeal: it is thus no surprise that the label has released recordings especially geared to children, e.g. "Motown for Kids" in 2008 and, earlier, "A

Flintstones Motown Christmas," and, in addition to licensing other toys and games, has licensed videogames based on its recordings. (See e.g. Exhibit 21 and Notice of Reliance Re: Evidence Filed in <u>UMG Records, Inc. v. O'Rourke</u>, Trial Declaration of Lori Froeling, Exh. 24 at p. 11.)

15. Impulse Purchase/Level of Care: Both the Motown Metal toys and the Motown branded toys are classic impulse purchases. At a suggested retail list price of 99 cents, the Motown Metal toys are very inexpensive. The Motown Metal cars are interchangeable with hundreds of other Hot Wheels cars and the specific models (and their names) are replaced often; therefore, any particular toy car (and any Motown Metal car) likely is bought on impulse, not by prior design or plan. Moreover, the fact that Mattel does not separately advertise Motown Metal cars (and retailers cannot even buy them individually but only in random groups which may or may not include the Motown Metal cars) evidences that buyers do not specifically target Motown Metal cars for purchase but rather that their purchase is impulsive. See Mattel's Supplemental Response to UMG Interrogatory No. 18 (in Exh. C to UMG's Notice of Reliance Re: Written Discovery Responses) and Exhibit 16, Adler Deposition at 98-99. Further, as Mattel has testified, color that attracts children to a particular car – another sign that they are purchased on impulse. (See e.g. Exhibit 16, Adler Deposition at 115.) Finally, the purchasers of Motown Metal cars are either children or adults purchasing for children. In either event, they are not sophisticated (nor need they be) in purchasing the inexpensive toy products involved. (Even the "collectors" version of Motown Metal cars are inexpensive, with a suggested retail price of \$19.99, and often also would be impulse buys.)

- 16. As a marketing expert, I can explain the fact there is no evidence of actual confusion here. First, the Motown Metal cars were on the market for only a relatively short period of time (two years) and, as noted, were never advertised by Mattel. Second, and probably most important, if there were actual confusion as to source and a purchaser believed that Motown Metal was associated with Opposer there would be no cause for the consumer to complain, either the Mattel or to UMG. Therefore, I would not expect there to be actual consumer complaints evidencing confusion.
- 17. My conclusion, based on my experience and the materials I have reviewed, is that the use of "Motown Metal" by Applicant is likely to cause confusion as to source among consumers who would likely believe that there is some connection between Motown Metal and UMG, and/or that UMG licensed its trademark in some fashion to Mattel, and that Motown Metal is another use of the famous Motown mark associated with UMG that has been used in connection with a variety of products (including toys and playthings). This conclusion is only reinforced by the fact that the packaging on the Motown Metal cars provides a lengthy list of other trademarks for which Mattel claims to have obtained a license. For that reason, the consumer would believe either that UMG licensed its trademark *or* that no license would be necessary to use the Motown mark. In either event, UMG would be significantly harmed, the Motown

mark would be substantially diluted, the ability to license the mark for toys would be diminished, and its value lessened.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on September 14, 2009, at Rolling Hills Estates, California.

PETER CAPARIS

UMG RECORDINGS, INC. v. MATTEL, INC. OPPOSITION NO. 91176791

UMG RECORDINGS, INC.

EXHIBIT 1
TO TRIAL DECLARATION
OF PETER CAPARIS

PETER CAPARIS

609 Deep Valley Drive, Suite 200 Rolling Hills Estates, California 90274 Email: peter@caparisgroup.com

Cell: (310) 283-5237 Fax: (310) 265-4478

Work: (310) 265-4477

SUMMARY

Dynamic senior Sales and Marketing executive with proven record of driving sales across all retail channels, with emphasis on negotiated sports and entertainment properties. Exceptionally skilled at building and managing strategic alliances with global brands such as Wal-Mart, The Walt Disney Company, McDonalds, the NBA, The Coca-Cola Company and the Olympic Games. Expertise includes:

- Strategic Planning
- Global Sponsorship and Licensing
- Deployment of Technology Solutions

- Global Account Management
- Strategic Partnerships & Alliances
- Building Organizational Consensus

PROFESSIONAL HISTORY

THE CAPARIS GROUP, LLC, Rolling Hills Estates, CA

Leading sales and marketing consultancy

2005 - Present

PRESIDENT

Provides clients with integrated sales and marketing solutions in number of areas which include, but are not limited to: sports, entertainment, consumer products, publishing and philanthropy. Provided sponsorship, licensing, product development, strategic alliance and other marketing in support of clients such as:

- Toronto Zoo: Developed sponsorship strategy for fundraising
- Boys & Girls Clubs of America: Fundraising strategy around sponsorship of the B&GCA 100th Anniversary.
- National 4-H Council: Development of a line of licensed 4-H dolls exclusively for Wal-Mart.
- AARP: Developed a sports and entertainment marketing strategy to generate and maintain AARP memberships.
- Aflac Insurance: Developed a strategy to expand customer base beyond small business owners to Fortune 500 companies.

SCOTT BORAS CORPORATION, Newport Beach, CA

2001 - 2005

Industry leader in athlete representation, including branding and corporate endorsements

PRESIDENT, IMPACT MARKETING SOLUTIONS DIVISION

Recruited to develop and implement integrated sales and marketing strategies.

- Generated revenue in excess of \$3 million in year one, while raising top client's Q Score by 25%.
- Signed New York Yankee centerfielder Bernie Williams to a recording contract with Verve Records.
 Successfully produced and marketed the CD which sold an unprecedented 200,000 units. Marketing efforts included a nationally televised, Emmy Award winning concert from the House of Blues.
- Developed and launched Player Direct Collectibles, a memorabilia business designed to enhance client image and maximize client revenue. First year sales projected at \$1 million, through projects with artist Leroy Neiman and others.
- Developed brand AROD and AROD.com on behalf of New York Yankee third baseman Alex Rodriguez, with consumer launch scheduled for early 2005.

Peter Caparis Page 2

SAPIENT, Los Angeles, CA

2000 - 2001

Leading business and technology consultancy

DIRECTOR, NATIONAL SALES

Recruited to add consumer products expertise to Sports, Retail, Consumer Products and Entertainment practices.

- Sold an assessment of organizational structure, technology architecture, and business processes to The Gap, Inc. Follow-on work will generate revenue for Sapient in excess of \$15 million.
- Secured first Sapient project with NIKE, Inc., an assessment of nike.com which will result in annual savings of \$1 million.
- Initiated the first Sapient workshop on cross-channel integration with NIKE, Inc., and drafted the first NIKE direct to consumer strategy.

MATTEL, INC., El Segundo, CA

1995 - 2000

\$5B global leader in the sale of consumer products, including Barbie and Hot Wheels

VICE PRESIDENT, GLOBAL CUSTOMER DEVELOPMENT (1999 - 2000)

Led corporate centralization initiative, providing strategic planning to Mattel affiliates in over 150 countries with regard to global retailers Toys R Us, Wal-Mart, Carrefour, Royal Ahold and Costco.

- Chaired Global Retail Executive Committee; established and led dedicated global account teams; initiated first global analysis of Mattel trade practices across markets.
- Increased Wal-Mart sales 10%, after three years of decline. Increased Toys R Us sales 15%, after a three-year decline of 25%. Accomplished through joint global planning and implementation of best global trade practices.

VICE PRESIDENT, STRATEGIC ALLIANCES (1997 – 1999)

Responsible for contracts and relationships with global corporate alliances and professional athletes.

- Generated incremental annual Mattel sales of \$30 million and expanded the Barbie and MatchBox franchises through a multinational strategic licensing agreement with The Coca-Cola Company.
- Negotiated master toy license for the 2000 Sydney Olympic Summer Games; oversaw product line development; built an annual business plan of \$75 million.
- Negotiated licensing rights for the 2002 Salt Lake Olympic Winter Games mascots; oversaw development of a \$300 million business plan, including design consultation.

VICE PRESIDENT, MARKETING SERVICES (1995 – 1997)

Recruited to oversee merchandising, space management, promotion, retail service, new business development, key account planning and international marketing.

- Increased Mattel share of retail shelf space 10%, through introduction of category management.
- Sold incremental \$10 million in Rite Aid stores by displacing private label with Mattel brands.

THE COCA-COLA COMPANY, Atlanta, GA

1982 - 1995

World's largest beverage company with 50% share and \$21B in sales

DIRECTOR, WORLDWIDE (DISNEY/NBA) (1992 – 1995)

Responsible for the negotiation and relationship management of The Walt Disney Company and The NBA

- Negotiated "no cash" deal with the NBA, and conceived use by Sprite to pass 7-Up as category leader.
- Increased European beverage volume 12% through Coca-Cola/Disneyland Paris promotion.
- Initiated first research to determine ROI from sports and entertainment sponsorships, leading to a change in Coca-Cola negotiating strategy, and a reduction in short and long-term costs.

DIRECTOR, RETAIL MARKETING (1990 - 1992)

Responsible for developing and selling trade marketing programs in all retail channels.

- Developed trade marketing strategy utilizing "pass through" rights to Coca-Cola sponsorships.
- Increased sales 35% in Domino's Pizza by leveraging Coca-Cola/NFL frequency program.
- Improved airline relationships by developing national pricing program and eliminating local variables.

Peter Caparis Page 3

DIRECTOR, NATIONAL THEATER ACCOUNTS (1988 – 1990)

Responsible for management of theater channel and relationship with Columbia Pictures subsidiary.

- Generated annual sales of \$7.5 million in United Artists by introducing self-serve concessions.
- Retained \$12 million in business by introducing Coca-Cola on-screen advertising as additional source of revenue for Loews, Carmike and AMC chains.
- Secured \$5 million in annual sales, converting Cinema World, Santikos, and Wehrenburg chains to Coca-Cola.

THE COCA-COLA COMPANY, Atlanta, GA
DIRECTOR, NATIONAL ACCOUNTS

YOUNG & RUBICAM, NEW YORK, NY
MANAGEMENT SUPERVISOR, TIME, INC. ACCOUNT

CHASE BANK, NEW YORK, NY
AVP, RETAIL ADVERTISING

EDUCATION

B.B.A. - Marketing - Pace University, New York, New York

Schedule of Fees and Conditions

- A. Expert consulting time (report preparation, analysis, consultations, telephone conferences, interviews, research, review of materials, preparation, including travel (portal to portal) will be billed at a rate of \$350 per hour plus expenses. Any time related to the case or project which is beyond the scope of an initial telephone interview of the consultant may be considered billable time.
- B. A minimum retainer of \$3,500 (ten hours) will be required in advance for all work and as this amount is exhausted a replenishment amount will be requested. This retainer is required prior to any work being initiated.
- C. Estimates of time anticipated to be spent will be gladly provided upon request.
- D. Prepayment is required for deposition and court testimony.
- E. Hourly rate for depositions is \$400 and travel time is charged at an hourly rate of \$300 plus expenses. An advance payment of \$1,000 is required, at least five (5) working days prior to the deposition, which is credited towards the total bill. Billing includes preparation time, travel time, expenses incurred, time being deposed, waiting time, and time expended to read and correct transcript if required. Cancellation of a scheduled deposition, with less than 48 hours notice, shall result in a minimum billing of two (2) hours.
- F. Court room testimony time, travel time and court room waiting time will be charged at a full day rate of \$3,000 or half day at \$2,000. Cancellation of court room testimony with less than 48 hours advance notice will result in a minimum billing of four (4) hours. Same day cancellation will result in full day fee of \$3,000.
- G. Reasonable and customary expenses for travel and airfare may be billed in addition to hourly rates. Estimates of expenses, anticipated to be spent, will be gladly provided upon request.
- H. Checks should be made payable to The Caparis Group, LLC.

Mr. Peter Caparis

Materials Reviewed

- Trial Declaration of Lawrence Ferrara
- UMG Recordings, Inc. Amended Notice of Opposition, dated May 25, 2007
- Gordy Berry, <u>To Be Loved: The Music, The Magic, The Memories of Motown</u>
- Mattel's Responses and Supplemental Responses to UMG Interrogatories
- Raymond Adler Deposition
- Jan Heininger Deposition
- UMG Licensee Declarations
- Trial Declaration of William Waddell
- Trial Declaration of Jerry Juste
- UMG/Motown marketing and advertising documents
- Examples of licensed Motown products
- Examples of Motown/UMG Recordings
- Singing Machine Company press release regarding Motown karaoke products, dated February 12, 2003
- Examples of "Motown Metal" products and packaging
- Marketing documents produced by Mattel
- Product and packaging documents produced by Mattel
- Miscellaneous press clips and articles
- Miscellaneous Internet research
- RIAA Platinum album statistics (from www.riaa.com)
- Motown Historical Museum Website (<u>www.motownmuseum.org</u>)
- Michigan State Historical Preservation web page regarding Hitsville, U.S.A. (http://www.mcgi.state.mi.us/hso/sites/15952.htm)
- www.hotwheels.com

- www.hotwheelscollectors.com
- www.amazon.com
- www.kmart.com
- <u>www.target.com</u>
- www.walmart.com
- www.toysrus.com

UMG RECORDINGS, INC. v. MATTEL, INC. OPPOSITION NO. 91176791

UMG RECORDINGS, INC.

EXHIBIT 2
TO TRIAL DECLARATION
OF PETER CAPARIS

BERRY Gordy

THE MUSIC, THE MAGIC,

AN AUTOBIOGRAPHY



A Time Warner Company

to my sisters Gwen and Anna, who think they own me and they do

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Warner Books, Inc., 1271 Avenue of the Americas, New York, NY 10020

M Time Warner Company

Printed in the United States of America First Printing: October 1994 10 9 8 7 6 5 4 3 2 1

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To be loved: the music, the magic, the memories of Motown: an autobiography / Berry Gordy.

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1. Gordy, Berry. 2. Sound recording executives and producers—United States—Biography. 3. Motown Record Corporation.

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94-29067 CIP MN

Book design by Giorgetta Bell McRee

Exhibit 2 Page 20

The record came out so great I decided to use it to launch another label. The Tamla name was commercial enough but had been more of a gimmick. Now I wanted something that meant more to me, something that would capture the feeling of my roots—my hometown.

Because of its thriving car industry, Detroit had long been known as the "Motor City." In tribute to what I had always felt was the down-home quality of warm, soulful country-hearted people I grew up around, I used "town" in place of "city." A contraction of "Motor Town" gave me the perfect name—Motown. I would later use that name to incorporate my company.

Now I had two labels. My original plan was to put out all the solo artists on the Tamla label and the groups on the new Motown label. Each label would have its own image and identity—solo artists versus groups. But this plan, like some others, turned out not to be practical.

After making test pressings of "Bad Girl," I found—once again—I could not afford to put it out myself. Too much money had gone into cutting songs and making the masters. My second attempt at going national had failed.

I took what little cash I had, bought a plane ticket, grabbed my best masters, and headed off to New York on what turned out to be a very fateful trip.

My sister Anna, always supportive, had driven me to the airport, but just as I was walking up the steps to board the plane, I heard my name. Turning around I saw her frantically running toward meswaving a newspaper.

"Wait a minute," she yelled, "don't get on that plane! Today and next Monday, bad days for Sagittarians to travel."

She's got to be kidding.

Here I am, about to go on possibly the most important trip of my life and she has to come to me with something like this. But what if she's right?

I knew if I didn't go I would be dead anyway. So I smiled and

That flight was probably not much rougher than any other but every bump had me in constant panic, much more than usual. When we finally landed I was a wreck and decided that day that touching down in that airplane was the second best feeling I'd ever had

My first stop in New York, naturally, was to be United Artists.

Walking down Seventh Avenue near the UA building, I ran into some people from Detroit. I didn't even know them that well, but being alone in a strange town made anyone from home your instant friend. Before I knew it, I had invited them up to the company with

"Listen," I said, knowing how impressed they would be, "the executives at UA would be real hurt if they found out I was in town and hadn't given them first crack at my hot new product."

Most people in Detroit had heard that no matter how big you are, you hadn't really made it until you were big in New York. Well, I was big, and I couldn't wait to see their faces when they saw how

Once upstairs in the UA outer offices, however, there was no buzzing me in, no "Mr. Gordy this, Mr. Gordy that."

This must be a new receptionist who doesn't know who I am. Motioning for the others to have a seat in the lobby, I moved to her quickly. "I'm Berry Gordy, the producer for Marv Johnson."

No reaction.

"I produced 'Come To Me' and I'm--"

Before I could say anything more, I heard this nasal voice coming at me with "Could you spell that last name please?"

The knot in my stomach told me I was in trouble. "Gordy, G-O-R-D-Y," I said, glancing back at my friends sitting on the couch trying hard to act oblivious. I leaned forward to the young lady and whispered, "You're gonna be in real trouble if you don't call the Sales Department right now and let them know I'm here."

We locked eyes for a moment or so before she decided to make the call. While talking to someone, I saw her expression go from fear and concern to confidence and arrogance as she put the phone down. "I'm sorry, sir, they're all busy now. You'll just have to be patient. "Why don't you have a seat, Mr. Gorney?"

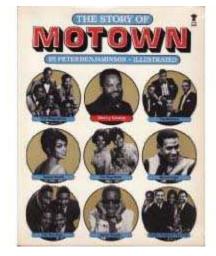
waved her good-bye.

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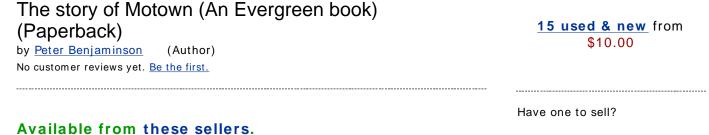
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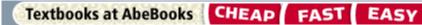
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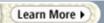












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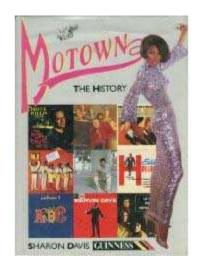
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From Publishers Weekly

Although clear and concise, Motown adds little to what the public already knows about the record company that had hit after hit in the '60s. The familiar main events are covered in detail: Marvin Gaye leaving Motown because owner Berry Gordy allowed only one of his performersSmokey Robinsonartistic control over recordings; the departure of the talented writing and producing trio of Holland, Dozier and Holland because of royalty disagreements; jealousy on the part of other Motown groups when Gordy concentrated on Diana Ross's career, even at the expense of her group, the Supremes. The trivialists of record release dates, television appearances, even marriages, births, deathscarries the book. Some rare publicity photographs are also included.

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From Library Journal

Taraborrelli writes about Motown Records from its inception in the late 1950s to its present-day empire. After an introduction, he divides the book into five sections: each begins with a chronology of events at Motown and then includes sketches of such performers as Smokey Robinson, the Supremes, Marvin Gaye, Stevie Wonder, and the Jackson 5. Although gathering together many interesting photos, the author takes the uncritical perspective of a fan, characterizing the Motown sound as "the most exciting and absorbing popular music of the postwar epoch." Compared to other recent books on the subject, this book adds little to the understanding of the Motown phenomenon. Still, it will probably appeal to diehard fans. David Szatmary, Con tinuing Education, Univ. of Washington, Seattle Copyright 1986 Reed Business Information, Inc.

Product Details

Paperback: 213 pages

Publisher: Doubleday (August 1988)

Language: English

ISBN-10: 0385197993

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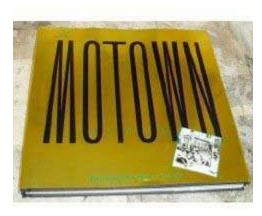
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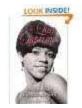
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Product Details

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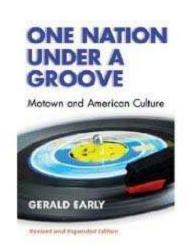
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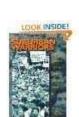
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From Publishers Weekly

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In this elegant, far-ranging essay, African American studies professor Early (The Culture of Bruising) offers a portrait of the revolutionary as a decidedly bourgeois family man and businessman-Motown Records founder Berry Gordy Jr., stage manager of "the most shining moment of the American black in popular culture." Borrowing crossover boxing hero Joe Louis's gloves and Booker T. Washington's bootstraps, Gordy combined black and American identities in a music "that neither bleached nor blackened," even if it was created,

produced and-most significantly-popularized entirely by blacks. Readers hoping for a complete history or a critical equivalent of The Big Chill soundtrack will be disappointed; Early is less interested in particular songs or artists than in the overarching, if never fully described, "Motown sound" authored by Gordy himself with the help of in-house songwriters and producers. (Artists were never permitted to write songs or produce, and even diva Diana Ross was never allowed to become more than just the most exalted member of the Motown "family.") This is a heady mix of cultural studies and nostalgia, only occasionally bogged down in a slight mist of academicism. Copyright 1995 Reed Business Information, Inc. --This text refers to an out of print or unavailable edition of this title.

From Booklist

Early has gained quite a reputation from his participation in the Ken Burns baseball documentary on PBS, winning the 1994 National Book Critic Circle Award for best work of criticism with *The Culture of Bruising*, a work on the brutal sport of boxing, and his frequent commentaries on National Public Radio. He continues his analysis of popular culture with this brief study of Motown, an African American record company that has had a tremendous influence on popular music. Smoky Robinson and the Miracles, Marvin Gaye, the Supremes, the Temptations, and so many other pop groups got their big chance with Motown, and their music is fairly pervasive in American culture. Early begins his commentary with the career of Frank Sinatra, skipping and bounding about with a profusion of insights before tackling the tremendous development of Motown. Although it takes a bit of reflection to draw together seemingly disparate points, the book offers a useful discussion of the origins of black rhythm and blues music and how Motown moved it into the mainstream and carved a wildly successful business out of that connection. *Bonnie Smothers --This text refers to an out of print or unavailable edition of this title*.

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Product Details

Paperback: 248 pages

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VANITY FAIR





The Supremes—Florence Ballard, Mary Wilson, and Diana Ross—opening at the Copacabana in New York City, 1965. *Courtesy of Motown Museum*.

It Happened in Hitsville

After half a century, and several shelves of books about the revolutionary music label, Motown's story is still obscured by rumors and misconceptions. Founder Berry Gordy Jr. joins a groundbreaking chorus—Smokey Robinson, Martha Reeves, Lionel Richie, Stevie Wonder, Suzanne de Passe, and other legends—to give an oral history of the Detroit hitmaking machine, the cultural and racial breakthroughs it inspired, and life at "Hitsville," as well as a true account of Gordy's relationship with Diana Ross and the rise of the Supremes.

BY LISA ROBINSON DECEMBER 2008

When I was 11 years old I was taking black newspapers into white neighborhoods to sell them, because I liked those newspapers, so I thought other people would like them, too. The first week I sold a lot of papers because I was cute. I took my brother the next week and didn't sell any. One black kid was cute. Two—a threat to the neighborhood. —Berry Gordy, July 9, 2008.

Callin' out around the world, are you ready for a brand new beat?—"Dancing in the Street," Martha & the Vandellas.

Motown shaped the culture and did all the things that made the 1960s what they were. So if you don't understand Motown and the influence it had on a generation of black and white young people, then you can't understand the United States, you can't understand America. —Julian Bond, N.A.A.C.P. chairman of the board.

except for the bright-blue HITSVILLE U.S.A. sign above the front porch. The first floor of this national landmark includes a reception area, a room filled with reel-to-reel tape machines and boxes of master tapes, old vending machines filled with candy and cigarettes, a glass-windowed control room, and a recording studio. Studio A, as it is known and preserved in this Motown Historical Museum, was, at the beginning of the 1960s, the room where the Supremes, the Temptations, Smokey Robinson & the Miracles, Marvin Gaye, Mary Wells, the Four Tops, Martha & the Vandellas, and Stevie Wonder, among others, recorded the hundreds of hits—'Reach Out I'll Be There," "Ain't Too Proud to Beg," "Heat Wave," "Nowhere to Run," "Uptight," "Bernadette," "The Tears of a Clown," "The Tracks of My Tears," "Shop Around," "Stop! In the Name of Love," "My Girl," "The Way You Do the Things You Do"—that changed the musical and racial essence of America.

More than 50 books have been written about Motown, its artists, and founder Berry Gordy Jr., including his 1994 autobiography (To Be Loved), in which he attempted to "set the record straight." And, still, rumors and misconceptions about Motown and Gordy's story persist. For 50 years now, Gordy, who started the company in 1958 with an \$800 loan from his family, has vigorously guarded the Motown legacy—living a private, some might say reclusive life on his enormous Bel Air estate (formerly owned by Red Skelton). A happy, loquacious man who surrounds himself with friends and family-eight children, two ex-wives (his first wife is deceased), 13 grandchildren, and two great-grandchildren—Gordy remained mostly silent even when he and some of his artists were angered by the Hollywood movie Dream girls. (Gordy states that DreamWorks co-founder David Geffen is "a friend of mine for 40 years and a man of his word," and Gordy "was satisfied when DreamWorks took out a full-page ad in the trades" apologizing for any implication that *Dream girls* was about Motown, and stating that the true Motown story has yet to be told.) But, according to Motown veterans and those who worked behind the scenes for the label (who still call Berry Gordy "The Chairman" or Mr. Gordy), including Gordy himself, the reality of Motown from 1958 to the end of the 1960s is different from the myth. And, as someone said to Berry Gordy, if the lion does not tell his story, the hunters will.

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Go behind the scenes with <u>photos</u> and <u>video</u> from our Motown shoot, then view the <u>Motown portfolio</u>. *Above*, the Four Tops. *Courtesy of Motown Museum*.

Born in 1929, Berry Gordy Jr. has been described as brilliant, charismatic, genius, mentor, gambler, philosopher, gangster, ladies'man, and father figure. At the age of five, Berry, the seventh of eight children, took classical piano lessons from his uncle. As a teenager and then a young man, he worked in his father's plastering business, sold cookware, served in the Korean War, worked at the Lincoln Mercury assembly plant, and opened and closed an unsuccessful jazz record store. He tried to sell his songs (his very first song, "You Are You," was written for, and sent blindly to, "Doris Day, Hollywood," who years later told Berry she never received it) and, eventually, he wrote hits for Barrett Strong ("Money") and Jackie Wilson ("Lonely Teardrops").

In the 1950s, Detroit was jumping. Berry listened to Oscar Peterson and Charlie Parker and hung out in nightclubs like the 20 Grand and the Flame Show Bar, where his sister Gwen had the photo concession and he once met Billie Holiday. He was a somewhat successful featherweight boxer, and never forgot the joy in his neighborhood when Joe Louis beat Max Schmeling for the heavyweight championship of the world. "He was black like me," says Gordy. "I saw the faces of my mother and father and the people in the street, and later I thought, What can I do in my life to make people that happy?" He chose music over boxing ("Both got girls," he says) and ultimately would start Motown with the help of family members and Smokey Robinson, a young singer-songwriter he met by chance at an audition and who would help put the label on the national map with the No. 1 R&B hit "Shop Around." For three decades, Motown was, at first, the only major, then the most important, black-owned music company in a business dominated by white-owned record and distribution companies, and, with more than 100 Top 10 hits in its 1960s heyday, it would revolutionize American

popular music.

Berry Gordy felt that the differences in people were way less powerful than their similarities. "When I started in music," he says, "it was for the cops and robbers, the rich and poor, the black and white, the Jews and the Gentiles. When I went to the white radio stations to get records played, they would laugh at me. They thought I was trying to bring black music to white people, to 'cross over,' and I said, 'Wait a minute—it's not really black music. It's music by black stars.' I refused to be categorized. They called my music all kinds of stuff: rhythm and blues, soul.... And I said, 'Look, my music is pop. Pop means popular. If you sell a million records, you're popular." The slogan of Motown became "the sound of young America," but, for Gordy, the sound was "rats, roaches, soul, guts, and love."

The genius of Berry Gordy was that he perceived a vacuum in the musical culture of the nation and he was able to convince young brothers and sisters like me in the black side of town that this was my music, and at the same time convince white brothers and sisters on the other side of town who were listening to the Beach Boys that Motown was also their music. —Dr. Cornel West, Princeton University.

Berry Gordy: I've been protecting the [Motown] legacy for 50 years. This music is the soundtrack of people's lives, and for people all around the world who love this music, who had kids with this music, who were part of making this music, it is my responsibility to not let these people down. I would never let Marvin Gaye's memory down. But I knew something would come along—like *Dream girls*—which was the result of so many other stories, and people making up stories, that would try and change the history. And after a while, the truth was so obscure. I decided now that it's the 50th anniversary it's time to tell the truth and then put it to bed.

Smokey Robinson, lead singer of the Miracles, producer, songwriter, original vice president of Motown: I protested Dream girls to the hilt. They're not going to talk about Berry like that. They're not going to downplay Motown. They're not going to take our legacy and make it something negative [for] kids who didn't grow up with Motown. To make people think this is Motown and make Berry a gangster, no, they're not going to get away with that shit.

Martha Reeves, lead singer of Martha & the Vandellas ("Heat Wave," "Now here to Run," "Dancing in the Street"), currently a member of the Detroit City Council: I thought Dreamgirls was a good story, but it had nothing to do with Motown. Motown was more of a nightmare in that we played horrible places on the chitlin circuit, not that dreamland they show in that movie. We played some places that had horse stables in the back with straw on the floor, places where you had to put fire in the wastebasket to keep warm. At the Apollo Theater, when it was raggedy and dingy and dark, before it was renovated, we were in there cooking hot dogs on the lightbulbs. We would eat popcorn and sardines, and drink a lot of water to try to feel full.

Berry Gordy: When *Dream girls* was on Broadway, I didn't know about it or care much about it—I never saw it. I think the main person they were attacking on that was Diana [Ross], but when they came out with the film, a whole lot of stuff was changed. It was all based on Motown and based on me. I was the central character; it was all untrue. There were no redeeming factors for [the person based on me]—how can you relate that to somebody who has built all these superstars?



The Temptations (in mirror, left to right, Paul Williams, Melvin Franklin, Otis Williams, David Ruffin, and Eddie Kendricks) prepare for the *Gettin' Ready* cover shoot, 1966. *By Frank Dandridge/courtesy of Motown Museum*.

Motown was not a normal company. P. Diddy told me he wouldn't have been able to do what he's done had it not been for us. But most of them think that I was a gangster, and I have to tell them, "You're on the wrong track." People in gangsta rap come up to me and say, "They got Gotti, but they couldn't get you," and I say, "Wait a minute—if you think that's how Motown was built, you're wrong, because the principles have to be totally different." The Motown legacy is there to show them—there is another way. —Berry Gordy, May 15, 2008.

Eddie Holland, ly ricist of the hitmaking trio Holland-Dozier-Holland, who wrote and produced hundreds of hits for Motown: All of [the owners of] these record companies, especially the independent companies, were buying songs and putting their names on songs that they didn't write. Berry Gordy did not put his name on songs he did not write. Berry Gordy never did that, would have never done that—it is not in his DNA. His character is much stronger and much more quality than that. It would have been impossible for Motown to develop if Berry Gordy was not an upright kind of a person.

Smokey Robinson: One of the reasons Berry started Motown was because [the distributors] didn't pay you [for record sales] in those days, especially if you were fledgling. We started Motown so everybody could get paid. And everybody was paid. The beautiful, wonderful, magnificent, incredible thing about Motown was that we began to bombard them with hits. The same distributors who hadn't paid at first would pay us in advance just to get our records. The disc jockeys would call us and say, "Could we please have the record first?"

Berry Gordy: I did not believe in payola for Motown when people were fighting for my records. Once a disc jockey played "Shop Around," the phones lit up; that's how potent it was.

Lionel Richie, lead singer of the Motown group the Commodores and multi-platinum solo recording artist: In the creative world there were a lot of [black] singers. There weren't a lot of [black] owners. This guy owned the company. Imagine, this is not happening in the 90s. This is happening during the civil-rights movement, during the 1960s—not exactly the greatest land of opportunity for a black businessman. To be a [black] businessman in America then, here's political correctness: "Yes, sir, no, sir. Yes, ma'am, no, ma'am." So here's somebody who's saying, "Go to hell." This man took no shit.

Berry Gordy: I never talked to the Mafia, but the rumor was so strong that I was a part of the Mafia that one time the F.B.I. called me down to their office. So when they called me down to the F.B.I. in Detroit, to the division that handles organized crime, well, who wouldn't be scared? I was concerned, although I knew I wasn't [involved in] organized crime unless I was being framed, which wasn't out of the question. They asked me if I was in the Mafia, and I said no. Then they took me to a board and showed me pictures and charts of the Detroit Mafia families. They said, "We've been studying you for years, and we cannot find you in any of these charts or families." And they said either I was the smartest person they knew or I had no ties to the Mafia.

Stevie Wonder, singer, songwriter, producer: Because Berry Gordy owned the company, it was not "tore up from the floor up." It was something he built. It was not something that somebody else had and passed on to him; it was his and his family's and all the people who were part of it who built this thing. That alone gives us a sense of pride.

Smokey Robinson: Way before we started Motown, Berry said, "I'm going to work with you and your group," and he just turned my whole life around. I played him about 20 of my songs, and he critiqued every song. He told me the songs made no sense because I was talking about five different things in one song; the first verse had nothing to do with the second verse, and the second verse had nothing to do with the bridge. He told me a song has got to be a short book, a small movie, or a short story. He taught me how to structure my songs.

Berry Gordy: At Motown, I hired a white salesman to go to the South. I didn't have pictures of black artists on the record covers until they became big hits. The Isleys had a cover with two white people on the cover. Smokey's *Mickey's Monkey* had a monkey on the cover. No one knew or cared; they thought it was brilliant.

Stevie Wonder: The competition at Motown was not the competition that said, "I don't like you." It was more like the

Brill Building: it was a challenge to come up with great music, great songs, and to me that was cool. I love Berry to pieces—Berry Gordy was, for my life, a blessing.

Abdul "Duke" Fakir, sole survivor of the original Four Tops ("Reach Out I'll Be There," "Bernadette," "I Can't Help Myself (Sugar Pie Honey Bunch)"): First thing I did [after our hit] "Baby, I Need Your Loving," I went to Berry for the advance, because my mama was working as a domestic, and I said I need an advance really bad. Berry said, "What do you need? What for?" I said, "I want to buy my mom a house—she needs it bad." He said, "How much do you think you need?" I said, "Oh, about \$10,000." He said, "Well, here's \$15,000." That was the happiest weekend of my life. Bought my mom that house, bought me a Cadillac—powder blue and white.

Otis Williams, sole survivor of the original Temptations ("My Girl," "Ain't Too Proud to Beg," "Cloud Nine"): For the longest time, it was that kind of camaraderie, that kind of family vibe. And old Pop Gordy [Berry's father] would be there, and he would advise us; when I bought my first home, Pop Gordy came out to my house to make sure I had copper pipes.

Suzanne De Passe, former creative assistant to Berry Gordy, Oscar nominee for screenplay for Lady Sings the Blues, Emmy winner for Motown 25: I was booking bands for the Cheetah nightclub, in New York, and when I told Mr. Gordy that I could never get anyone at Motown to call me back, he said maybe they needed to hire me. They flew me to Detroit, first class, on a seven a.m. flight. I was wearing my little Bonwit Teller suit, had an overnight bag, was picked up at the airport by [Berry Gordy's] driver in a maroon Fleetwood Cadillac. Then they drove me to Hitsville, and I was horrified; my expectation was that it would be a more opulent, grand building.

Shelly Berger, ran the Los Angeles office of Motown, managed the Supremes and the Temptations: My first trip to Detroit, I wasn't too crazy about the hotel they put me in—the Lee Plaza. I walked in and said, Are they kidding? They're trying to impress somebody? They rang me, like November of 1965, and of course the deal [to run the L.A. office] wasn't made until June of 1966, which is typical of Motown. This is really Motown's 10th anniversary; it's just taken us 40 years to celebrate it.

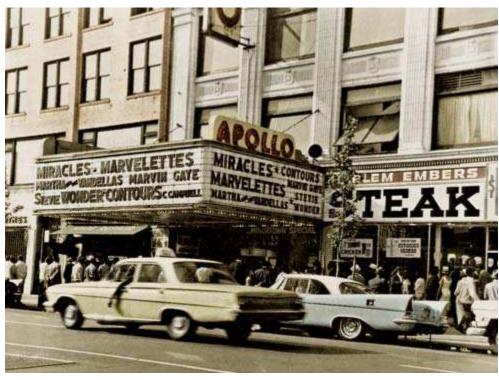
At Hitsville, every Friday morning Berry Gordy would hold a "quality control" meeting for the staff to vote on what records to put out. If you were one minute late, you did not get in. Once even Smokey Robinson was locked out.

Berry Gordy: Motown artists were always punctual. Mostly. Well ...not Stevie Wonder.

Suzanne De Passe: I worked there from 1968 until I left, in 1991. And once you work for [Berry Gordy], you never *don't* work for him. I think everybody who ever worked for him, even if they don't still, if they get a call and they can, they'll be there for him. It's the pull of his personality and it's definitely love. As corny as it sounds, that whole family thing is real.

Smokey Robinson: In those early days of Motown, people were outside, lined up for auditions. Like *American Idol*. Berry is a genius and he's a very charismatic person, always was. And you can see if you follow his lead, most of the time you're going to come out on top.

Shelly Berger: You cannot categorize Berry Gordy. Berry Gordy is a leader. Berry Gordy is John Kennedy, Bill Clinton; Berry Gordy can get people to follow him. Motown was like a 1950s MGM musical. Berry Gordy would say, My cousin has a barn—let's put on a musical. And everybody would follow. He's got charisma to burn. When Berry Gordy wants to get you, you are got. I don't care if you come in with a white hood on, you are got.



Duke Fakir: When you signed with Motown, you became part of that family. You're young and you're dreaming. We were friends; we played basketball

The Motortown Revue comes to the Apollo, 1962. Courtsy of Motown Museum.

together, we played cards together, we ate together. It wasn't like, if I got a hit, somebody else ain't going to get one. Because one after the other, you kept getting hits, and more hits. It just became a wonderful place to make music. There were always sessions going on, 24-7. And the bar just kept getting raised—higher and higher.

Lam ont Dozier, along with Eddie and Brian Holland, part of the hitmaking trio Holland-Dozier-Holland: The atmosphere at Motown in the early days was very family-oriented, with the picnics, the company song, the games. But then the competition became fierce, and to stay on top, you had to be on top of your craft.

Suzanne De Passe: There was a great deal of recognition and pride that this music was holding its own against the British Invasion. If you look at the charts when the Beatles were out, the Supremes were right up there. The Four Tops were up there.

Stevie Wonder: I was very excited about being at Motown, being with all those different artists. Martha Reeves was like my big sister.

Smokey Robinson: Berry always made a point of telling us we had to pay our taxes. People think the love at Motown was a myth. People say it could not possibly have been that, and that is exactly what it was, and exactly what it is. When Motown people see each other, there is love in the room.

Berry Gordy: People used to attack me and say it was a conflict of interest: I was the manager, I was the record company, I was the publisher, and I would say, Yes, of course, conflict of interest, but it's in *their* favor, you stupid fuck.

Motown taught the artists how to deliver a song in the recording studio and trained them for the stage. The house band—the Funk Brothers—had the extraordinary bassist James Jamerson and drummer Benny Benjamin. Famed choreographer Cholly Atkins was hired to teach dance steps, bandleader Maurice King was the tour conductor, and former actress and modeling-school owner Maxine Powell groomed the acts and showed them how to conduct themselves on- and offstage.

Martha Reeves: None of us was perfect or professional when we first arrived. I was a little boisterous. I might have had a habit of profanity. Maxine Powell had a charm school, and what she came to Motown to teach was self-worth, body

language, how you should be at all times photographable.

Maxine Powell, head of the (now closed) Maxine Powell Finishing and Modeling School: Most of the artists were rude and crude and speaking the street language when I met them. Diana Ross and the Supremes thought they knew what direction they wanted to go in. They said they were sophisticated when they got to Motown, but that was not true; sophistication takes years, and young people are not sophisticated. The Supremes were acting snooty, especially Diana Ross. I taught her [about] being gracious and classy, because classy will turn the heads of kings and queens.

Smokey Robinson: I don't care who you were or who you became, two days a week you had artist development. Marvin Gaye, me, the Supremes, the Temptations.



Berry Gordy and Diana Ross in Las Vegas, circa 1966. By Robert Gordy Jr./courtesy of Motown Museum.

Duke Fakir: Everyone was scheduled to go to those classes; we were scheduled about three times a week. But they used to call us rebels—we probably went six times in two or three years.

Maxine Powell: I told them they had to be trained to appear in the No. 1 places around the country and even before the Queen of England and the president of the United States. Those youngsters looked at me and said, That woman is crazy: all I want is a hit record.

It was December 27, 1964. I was 10 years old, and I tuned in to watch The Ed Sullivan Show....It was a moment that changed my life. —Oprah Winfrey, on seeing the Supremes on TV.

Diane Ross (later Diana), Florence Ballard, and Mary Wilson were three teenagers from Detroit's Brewster Projects in a group called the Primettes, who sang backup for the Temptations. They hung around Motown, eventually got signed, were supported by the label for four years before they had a hit, and became Motown's most commercially successful and biggest international act with No. 1 singles such as "Baby Love," "You Can't Hurry Love," "Stop! In the Name of Love," and "Back in My Arms Again." When Florence Ballard's drinking caused problems within the group, she was replaced by Cindy Birdsong, and in time, Diana Ross went solo. And while it may not have been public, it was common knowledge within the Motown family that Diana and Berry were lovers (and that he was the father of Rhonda, one of Diana's three daughters).

Berry Gordy: Diana Ross was just as cute as she could be. We gave her a job for the summer, and everybody loved her in the company—she was the sweetheart of Motown. She was just so innocent. Ed Sullivan loved her. She was the personality of the group—the big eyes and all. And she was incredible with her showmanship; she was the magic in the group.

Smokey Robinson: There were so many talented kids in our neighborhood: Diana lived four doors down from me; Aretha Franklin lived around the corner—I've known her since I'm six years old. The Temptations lived across the avenue. Diana and I dated for a while ...long before she got with Berry....I love her. I know her since she was 10 or 11, so she doesn't diva me. We love each other.

Stevie Wonder: I loved Diana Ross's voice. And I had a crush on her; when I came to Motown, she walked me around the building and showed me different things—she was wonderful.

Martha Reeves: I love Ross. That's what I call her—Ross. When I first got to Hitsville, [the Supremes] weren't old enough to get in clubs, and sometimes we'd slip her in; I'd pick her up in my car. I sort of took her under my wing.

Suzanne De Passe: Once I was with Cindy Birdsong at the Essex House in New York and the elevator stopped and the doors opened, and there, in a Pucci dress, holding her Maltese puppy, with a Sassoon wig and shoes covered in the same

material as the Pucci dress, was the breathtaking Diana Ross—more glamorous than any human thing I'd ever seen in my life. And I stood on the sidewalk and watched Diana get into her own limousine and watched Cindy and Mary get into their limousine together and off they went. I stood there like the poor little match girl, thinking, one day ...

Berry Gordy: It's very clear why I fell in love with Diana—because she was my star, and she came from the bottom up. With her it was not only fun, it was just like heaven working with her because she would surpass anything ...and she always kept her self-esteem. She always told me, "If you think it, I can do it." And she did.

Lam ont Dozier: We were working for the Marvelettes until that fateful day when [Marvelette] Gladys Horton did not want to record "Where Did Our Love Go." I gave the track to the "no-hit Supremes," who did record the song, which turned out to be the first No. 1 out of 12 No. 1s for the group.

Eddie Holland: After "Where Did Our Love Go" became a hit, [the director of sales] said we have to keep these girls hot. They're the flagship of this company, because they're spreading over to such a wide audience.

Smokey Robinson: Diana Ross was the most hardworking, most diligent student at artist development. Everybody else would be gone and she would still be there. Diana Ross wanted to be ... Diana Ross.

Shelly Berger: The bigger [the Supremes] got, the more difficult it was for Florence. She was drunk; she was missing shows; she was detrimental to the group.

Berry Gordy: It just came time when it was best for them to split up. I don't really remember my part in that—I was always objective. The fact that I went with Diana Ross—she never took advantage of that and I never gave her an advantage. She didn't want any favors; she wanted to do what was right. If she got more attention at Motown, it was because she was good; it was all about the work. That's why we broke up. We always said [we would] if [the relationship] came in the way of her work. I knew she wanted to be a superstar.

Segregation, determination, demonstration, integration, aggravation, humiliation, obligation to our nation—ball of confusion ... that's what the world is today. —"Ball of Confusion," the Temptations.

To some in the turbulent 1960s, Motown was, as Otis Williams says, "a soothing ointment to a troubled soul." To others, it was seductive pop music—more sophisticated and accessible to a white audience than the raw, gritty sounds of Stax Records or James Brown. It was infiltration; the hits were all over the radio, and the stars were on The Ed Sullivan Show and at the Copacabana. The Beatles covered the Berry Gordy compositions "Money" and "Do You Love Me." And the Motortown Revue (the Temptations, Martha & the Vandellas, Smokey Robinson & the Miracles, the Supremes, the Four Tops) got on a bus and set off across America, into a still-segregated South, where they encountered racial unrest, protest marches, and violence. When the Temptations first performed in some southern states in the mid-1960s, a rope down the middle of the audience separated blacks from whites; by the time the Temptations returned in 1968—five years after Dr. Martin Luther King Jr. recorded his "I Have a Dream" speech for Motown's Black Forum label—that rope was gone.



Berry Gordy and Stevie Wonder listen to a tape. By Joe Flowers/courtesy of Motown Museum; digital colorization by Lorna Clark.

Berry Gordy: For black people, bigotry was a fact of life. We grew up with that—that's why Diana and I started calling each other "Black." No one wanted to be called black at that time—"black" was considered a negative word in the 60s among the people we knew. This was before black was beautiful. People said "Negro." But I said, "A word is a word, and I want 'black' to mean love." Diana called me "Black" and I called her "Black." We wanted people to be proud of being black.

Stevie Wonder: I was eager when I was told that I'd go out on tour, but the excitement was sort of cut short by the fact that there was a performance in Alabama and the [groups] were on the bus—can't remember who it was—and I heard that [someone] shot at the bus. It scared me. It was a scary situation.

Martha Reeves: I had a shotgun put in my face. I was trying to get off the bus to use the restroom. He was right there with the gun, saying, "Don't another one of you niggers get off that bus." We said, "We want to use the restroom." And he said, "You better get out of here." One of the guys said, "I'm Bobby Rogers of the Miracles. Don't you know about the Miracles?" And he says, "Get back on that bus," called the sheriff, says, "These niggers are trying to take over my filling station." He didn't know we were down there to make music, not war. He thought, because there's a bunch of black people on the bus, we were Freedom Riders.

Otis Williams: We went to places in the South where they would tell us, "We don't serve niggers. You can't eat here, can't use the bathroom." We'd have to go back out, get on the bus, the bus would have to go down the road and everybody had to go out into the bushes. The Four Tops and us had to watch each other; when the Tops was on, the Temps would stand on the side of the stage with bats or whatever. I didn't take guns with me, but some of the Tops did.

Martha Reeves: We took our baths and showers mostly in Greyhound bus stations and train stations. That's how we kept clean. But [later on] when we got to the venues and we started singing, people would change, attitudes would change. Once we got in there and sang the music, people would turn into warm human beings, as opposed to people putting the dogs on you and chasing you around with billy clubs.

Shelly Berger: After I started managing the Temptations, when they toured in the South, I had a clause in our contract that if the audience was not integrated we didn't have to play and we had to get paid.

Martha Reeves: There was a time when guards stood in front of the stages with clubs, and whether it was a white person or a black person, if they got up to intermingle in the audience, they'd club them. Then Smokey Robinson, who would open the show, said, "Wait a minute—I want you guards to stand back. This is good music, it's dance music, and people are going to get excited, but they're not going to fight or cause any harm to one another. So don't hit another person with those sticks." He stood up for us, and I love him forever for that.

Smokey Robinson: In Detroit you could not go into the white areas unless you proved you worked for somebody. But the kids in those areas would write us letters: "We've got your music, we love your music, we're so glad you're making music, but our parents don't know we have it, because they'd make us get rid of it." A year or so down the line, we're getting letters from the parents: "Our kids turned us on to your music. We're so glad you're in business; your music is so uplifting."

Edna Anderson-Owens, Berry Gordy's administrative assistant in 1972, currently co-C.E.O. of the Gordy Company: I had come out of the civil-rights movement, had come from the South. I never thought of [Motown] as just being a record company, even as an entertainment company. It was more than an entertainment company. In a sense it replaced the civil-rights movement for me; it became another movement. It became more of a cause.

In 1967, Holland-Dozier-Holland wanted to leave Motown for another label a year before their contract was up.

Berry Gordy sued the trio for \$4 million. HDH countersued for \$22 million. The nasty law suits and countersuits went on for more than 30 years before they ended, in 2004.

Berry Gordy: I love these guys and they love me, but they obviously wanted to get away so bad and do their thing. All

my people said, "Just give them a few thousand dollars and the case is over." My legal fees were astronomical, but I said, "No, I cannot settle this for anything"—it [would] mean they were right.

Eddie Holland: Berry Gordy was paying artists, producers, and writers when most companies, including the majors, were not doing so. We were making more money than our peers were making. By far. But [later], you get lawyers involved, and it took on a life of its own.

Berry Gordy: Harold Noveck was my tax attorney, and his brother Sidney was my accountant. Anytime we got in any trouble we didn't worry about anything, because [the Novecks] would spend a thousand dollars to find a penny. The books had to balance, all the time. So whenever I would sue somebody or someone would say the artist didn't get paid, I'd say, "Hey, you're barking up the wrong tree." In order to protect the legacy, if somebody would tell an outright lie, I would sue them and I would always win, because the truth will win if you can afford to fight for it.

Shelly Berger: I used to refer to the Noveck brothers as the *Malach Hamovis*—that's Yiddish for the Angels of Death. They were very, very conservative. Since Motown's fiscal year was on the calendar year, December 31 was the end of the fiscal year, and each year I'd book the Supremes in some great place where we could all go for Christmas and New Year's and bring our families—whether it was Tahoe or Miami. Then the Noveck brothers would show up on December 26 to tell Berry Gordy, "You're going to lose everything and you're insolvent." So ... for four days we're living in absolute misery, because the *Malach Hamovis* had come.

Lamont Dozier: The lawsuit was just our way of taking care of business that needed to be taken care of—just like Berry had to take care of his business which resulted in the lawsuit. Business is business, love is love.

Eddie Holland: Think in terms of a family member that you have a disagreement with. It was a molehill turning into a mountain. He's a fighter, I'm a fighter, and so, through the lawyers, we fought for many, many years, and he wouldn't bend and I wouldn't bend. That's what happens when you get two bulls locking horns. But the love never left.

Brother, brother ... there's far too many of you dying. —"What's Going On," Marvin Gaye.

M arvin Gaye started out at Motown as a drummer who wanted to sing Sinatra-style ballads. Ultimately, he had R&B-styled and pop hits and became Motown's sex symbol.

Berry Gordy: Marvin had a divided soul. He looked upon me as a father figure and friend, but he wanted to have his own independence, and he would disagree with you all the time just for the sake of disagreeing. At the same time, he was a pure, wonderful, spiritual person who was looking for truth, honesty, and love. But I had major fights with Marvin Gaye because he did not think it was legal to have to pay taxes. He was convinced that it was not lawful, and I said, "Well, I don't want to debate that with you, Marvin, but I do know if you don't pay your taxes, you're going to jail."

Eddie Holland: Marvin was quick, easy to work with. He had a magnificent ear. He had a magnificent talent. He was the only artist I've ever worked with in my life that could hear me sing the song one time and say, "O.K., give it here."

Berry Gordy: I heard the album [What's Going On], and I thought it was really meaningful, but he was a pop singer, and I told him, "Marvin, think about your great image that you built up: do you really want to talk about police brutality?" I could see he had pain and passion and he wanted to awaken the minds of men. He said, "B.G., you gotta let me do this," and I was really hesitant. Not for me, but for him. I didn't want his career to be gone. I said, "O.K., Marvin, but if it doesn't work, you'll learn something, and if it does work, I'll learn something." So I learned something.

ABC—easy as 1-2-3. —"ABC," the Jackson 5.

The Jackson 5 were five brothers—Jackie, Jermaine, Tito, Marlon, and lead singer Michael, who was nine years old at the time—from Gary, Indiana, who had been seen at the Apollo Amateur Night in New York City by Motown musician Bobby Taylor [of the Vancouvers] and drove with their father, Joe Jackson, to Detroit to try to get

an audition with Berry Gordy.

Suzanne De Passe: I was in my apartment at 1300 East Lafayette Street in Detroit—where many of the Motown artists lived—and Bobby Taylor called up and asked me to come down to his apartment, he wanted me to see something. I said no; I wasn't about to go to a man's apartment. But he said, "Come on," so I did, and he opened the door and there were all these kids sort of strewn across his living room. He clapped his hands and went, "O.K., everybody, this is Suzanne de Passe and she works for Berry Gordy and you need to sing for her because she can get you the audition." They sang and I was blown away. So the next day I told Mr. Gordy on the phone what I'd seen. And I said, "I think you should sign them. These kids—" And he said, "Kids? I don't want any kids. You know how much trouble it is with Stevie Wonder and the teachers, and when you're a minor you have to have a special chaperone, and court approval of the contract, and it is a *problem*." So he said no. I had to really muster up all my courage to go back to him and say, "Really, I don't think you can afford not to see these kids." Finally he agreed to see them.

Lionel Richie: Suzanne's assignment was to take this new group called the Jackson 5 out on tour, and she was looking for an opening act. They set up an audition at Lloyd Price's Turntable, and she came in and basically saw the Commodores play. I was the novelty singer—I only did two songs: "Wichita Lineman" and "Little Green Apples." We got the gig, but what helped us tremendously was they allowed us to be in the room with them while Suzanne

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Go behind the scenes with <u>photos</u> and video from our Motown shoot, then view the <u>Motown portfolio</u>. Above, the Four Tops. Courtesy of Motown Museum.

was briefing them on how to deliver their stage show; it was the education of life. She had to teach them how to put their place settings on the table so when they are with royalty they would know how to do the silverware. You got the etiquette course while you got the singing and dancing. What I learned most was whatever you do, if you sing, dance, juggle, whatever it is, you do it in the first song. Because they may not stick around for the second one.

Suzanne De Passe: The extraordinary part for me was to be a witness to the incredible impact that the Jackson 5 had on the public and the public had on them. When we started out we could go everywhere—we could go shopping, we could go get hamburgers, we could go to rehearsal. And within a very short time we were mobbed and could go nowhere.

Lionel Richie: This little kid [Michael] did everything in the first song. I kept waiting for Suzanne to tell me what the real secret was, that Michael was a midget, because it couldn't be anything else. Then I realized, That's a real 12-year-old kid. I would watch him play with water balloons backstage, anything that kids do, and then he'd walk onstage and turn into this full-grown entertaining monster.

Suzanne De Passe: I had no mechanism to measure the magnitude of what I was doing. I was killing myself working, but I was responsible for everything with the Jackson 5—except the records—for what was to become one of the most seminal groups to influence young black kids ever.

Smokey Robinson: I've known Michael since he was 10 or 11. He is the best who ever did it. The singing and the dancing and the records—the whole package. But somewhere ...he just got lost. It's easy to do.

By the end of the 1960s, Berry Gordy felt he'd done everything he could do in Detroit, and with an eye toward movies and television, he relocated Motown to Los Angeles. Some—Suzanne, Smokey, Diana, Stevie—followed him. Others, back in Detroit, felt betrayed. Acts eventually left for other labels, among them Marvin, the Jacksons, and, after starring in the Gordy-produced, five-time-Oscar-nominated Lady Sings the Blues and the Gordy-directed Mahogany, Diana Ross. New artists joined the label, but it was never the same, and by 1988, Berry Gordy was tapped out financially and drained emotionally. Told by the Noveck brothers that he was insolvent, millions of dollars in debt, he sold the Motown name, record catalogue, master recordings, and artists' contracts to MCA Records for \$61 million.

(Five years later, Polygram bought it from MCA for \$325 million.) In 1997, Gordy sold one-half of his Jobete publishing company to EMI for \$132 million, and in 2003 and 2004 he sold the other half to EMI for a total of \$188 million. After initial reluctance, Stevie Wonder, who had a clause in his contract that gave him the right to approve or block any sale of Motown, finally gave Gordy his blessing but, to this day, is a recording artist on the Motown label, now a part of the Universal Music Group

Stevie Wonder: We just had to work [the business] out, but I stayed at Motown because, more than any other company, they gave me my freedom. Because they knew me, and Berry loved me and I loved him.

Edna Anderson-Owens: The Motown music spoke to every walk of life. Motown was colorless. And the whole Motown thing was not heavy-handed or hard-hitting—it was very subtle, because you were seeing people in beautiful gowns with beautiful behavior. It was another kind of thing that came through. Anytime there's somebody successful and representing you well, you're proud.

Smokey Robinson: When I saw that Motown was beating Berry up and beating him down, and he was getting these calls from the black leaders telling him not to sell—"It's our heritage"—well, he's my best friend, fuck Motown. I went to him and told him to sell this sucker and go buy your island. An island with a moat. And surround your island with warriors. And dare somebody to call you and even ask you about a record.

Stevie Wonder: Motown brought people together; it had this infectious kind of music, and before you knew it you were clapping along to it and rocking to it, and the songs were all positive. Even if you had a love song, there was something to learn from it.

Berry Gordy: Motown educated people through song. You have no control over your emotions when you hear a song—it makes you dance, makes you sing, makes you happy, sad. We just wanted to do music for the world. Motown is a magical something that has never been seen before and will never be seen again. Because the world has changed for the worse. And to have a company like that is probably impossible now. It was too simple to be believed.

Edna Anderson-Owens: I wanted [Motown] to be respected throughout the world for what it is. I'm very proud to say I've been involved with this. It's like I had an opportunity to walk with Dr. King; it has such great meaning throughout the world. It ultimately satisfied my quest for being a proud black person.

Martha Reeves: You can't really have a good house party unless you play some Motown.

Lisa Robinson is a Vanity Fair contributing editor and music writer.

The New York Times



September 5, 2009

Motown Turns 50, but the Party's Far From Over

By THE ASSOCIATED PRESS

Filed at 12:04 a.m. ET

DETROIT (AP) -- On Jan. 12, 1959, <u>Elvis Presley</u> was in the <u>Army</u>. <u>The Beatles</u> were a little-known group called The Quarrymen casting about for gigs in Liverpool. The nascent rock 'n' roll world was a few weeks away from "the day the music died" -- when a single-engine plane crash claimed the lives of <u>Buddy Holly</u>, J.P. "The Big Bopper" Richardson and Ritchie Valens.

It's also the day a 29-year-old boxer, assembly line worker and songwriter named Berry Gordy Jr. used an \$800 family loan to start a record company in Detroit.

Fifty years later, Motown Records Corp. and its stable of largely African-American artists have become synonymous with the musical, social and cultural fabric of America. The company spawned household names, signature grooves and anthems for the boulevard and bedroom alike that transcended geography and race.

And time.

Motown may be 50 years old, but it isn't any less relevant with current hitmakers -- from <u>Taylor Swift</u> to Coldplay -- citing the label's signature "sound" as an influence.

Would there be a Beyonce or <u>Mariah Carey</u> had <u>Diana Ross</u>, Martha Reeves and Gladys Knight not come first?

How about <u>Kanye West</u> and <u>Justin Timberlake</u>? What would have become of their musical careers had Motown not blazed a trail with the likes of <u>Michael Jackson</u>, Smokey Robinson, Marvin Gaye, Stevie Wonder, The Temptations and The Four Tops?

"There were just so many amazing artists that came through. It was such a surge," said singer-songwriter <u>Jewel</u>, whose recently released collection of original lullabies includes Motown influences. "And it really informed The Beatles' melodies. So much of what pop music and popular culture became. I recommend everybody go back and look at those melodies and see where they find them today, because they're resurfacing and being remixed, basically, into new pop songs."

From its founding in 1959 to a much-debated move to Los Angeles 13 years later, what has become known as "classic Motown" created a once-in-a-lifetime sound that was local and global, black and white, gritty and gorgeous, commercial and creative, Saturday night and Sunday morning.

"I Heard it Through the Grapevine." "My Girl." "The Tears of a Clown."

Like the two-sided singles the Motown factory churned out 24 hours a day, seven days a week at Studio A inside the Hitsville, U.S.A., building at 2648 West Grand Boulevard, Motown Records in the 1960s stood out from the musical pack -- and still does today -- because of its ability to tune the tension between two opposing forces.

The Associated Press, on the occasion of Motown's 50th, invited both Motown greats and heavyweights from the worlds of music and beyond to discuss how the legendary Detroit musical movement's sound, style, savvy and sensuality have stood the test of time.

GETTING STARTED:

"The thing that struck me was how ferociously determined he had to be to borrow that 800 bucks and start with nothing." -- Bill Clinton, former U.S. president

The tale of the \$800 loan has become the stuff of legend.

Gordy worked at a Ford Motor Co. plant and wrote songs when he could, all the while dreaming of owning and running his own record company.

The loan from his family's savings club allowed him to make that happen.

He had the vision and the seed money, but next Gordy needed the talent -- the singers, songwriters and musicians.

He didn't have far to look.

Detroit alone produced many of the creative wizards who gave Motown its initial burst.

Robinson and the Miracles attended high school together, while Ross and future Supremes Mary Wilson and Florence Ballard grew up in the city's housing projects.

Gordy plucked from Detroit's flourishing nightclub scene a group of supremely talented jazz musicians who would become the label's house band, the Funk Brothers. Strings, winds and brass

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came from the Detroit Symphony Orchestra and other classical outlets.

And the prolific songwriting trio known as Holland-Dozier-Holland -- Lamont Dozier and the Holland brothers, Brian and Eddie -- also were local hires.

The talent was there. Now what?

Gordy sought to incorporate some of the same principles from the auto factory floor and bring them to bear in the studio on West Grand.

He wanted it to be a place where everybody had a role, but the best ideas would win.

"Berry Gordy made sure everything they put out was 100 percent fierce, 100 percent listenable," said R&B singer Patti LaBelle, who was not a Motown artist but rose alongside it in the 1960s.

"Then, you know if you ... put on a Motown record, you were going to hear something with substance."

MUSICIANSHIP/CREATIVITY

"Berry Gordy -- people think of him as an entrepreneur, but he's a songwriter at heart, which makes total sense. You have a songwriter here and amazing songs. A guy has the brilliance to understand that it starts with great songs." -- Anita Baker, R&B singer

Of course, it started with songs, but even that came with a competition more common to commerce than art.

Gordy knew cooperation was crucial but rivalries among singers as well as songwriting teams would be the best way to get a record out the door and onto the top of the charts.

"If (songwriter) Norman Whitfield had a No. 1 hit on The Temptations, Holland-Dozier-Holland would say, `Shoot, we gotta get a No. 1 with The Four Tops. Come on in here, Tops,'" recalled Abdul "Duke" Fakir, the lone surviving original member of The Four Tops, which signed with Motown in 1963 and produced 20 top 40 hits during the next decade.

"I'd say, `Yeah man, you'd better hurry up, man. I got a bet with The Temptations we're gonna have one in the next two weeks.' We would just push and push and push."

Fakir says there was a relentlessness on all levels of the recording process.

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"Nothing was done generically. I've been to a lot of sessions outside of Motown where the session is very generic, very laid-back ... very professional, and there's no guts and blood," he said. "But here, everything was done with passion."

In 1965, during his label's ascendancy, Gordy said passion helped spur Motown to greatness.

"I talked about this one night over dinner with Smokey and Diana Ross," he told AP at the time. "We thought back about the neighborhoods we were in ... and we came up with a six-word definition: rats, roaches, struggle, talent, guts, love."

Motown left nothing to chance: A "quality control" committee met weekly to review the latest sonic offerings. Gordy was the final arbiter, but posed this question: Would you buy the record or a sandwich if you were down to your last dollar?

Don Felder, former guitarist for the Eagles and co-writer of their hit "Hotel California," says the results rarely failed.

"I don't know if anybody ever sat down and looked at the percentages of acts that Berry actually signed, recorded and released and the percentages of hits versus failures. But his track record has just been astronomical. ... He has just, in my opinion, the ears of a genius."

SOUND/RECORDING:

"You had naturally gifted engineers and producers that didn't let that technical expertise interfere with that rawness. ... Somehow the ... engineer/producers, thank God, either admittedly or just instinctually saw when these guys started jamming it just sounded good." -- Ted Nugent, rock guitarist and singer

Gordy may have been blessed with an unparalleled ability to recognize hits, but many say those great songs probably would've been a bit more ordinary if not for Studio A.

It didn't look like anything special -- certainly by today's standards of digitized recording -- but the sounds it produced were.

"You didn't have Pro Tools. It was perfectly imperfect," said country star Wynonna Judd. "You had a lot of people who were sweaty and tired and who were singing from their toenails. ... If you can't cop it live, get off the porch."

A square, smallish room, Studio A was accessed by descending a small flight of stairs. Its below-ground standing earned it the nickname "The Snake Pit."

There, artists, writers, producers, engineers -- anybody associated with music-making -- gathered to record.

For 13 years, nearly every Motown hit was cut in Studio A and the adjacent control room.

The Funk Brothers set up shop -- James Jamerson on bass, Benny Benjamin on drums and so on -- and the singers did their thing, all face-to-face in the same room.

"The studio itself is its own beast. It can take away or it can add to the sounds you're making with your instruments," said pop singer-songwriter Gavin DeGraw. "Some rooms are dead. You play a note, and the sound disappears.

"Some rooms they ring too much. Acoustically, they're just too active. But some of them, they just have good sound. The (Motown) recordings I've heard come out of that room. I listen to those recordings all the time, and I think: `Why does that room sound so good?' There's something to be said for it."

DeGraw liked the Motown recording approach so much that he rereleased his 2003 hit album "Chariot" a year later in a "stripped" format.

"I was really using that Motown ... sound as a template," he said. "I was thinking about those records and the rawness of those records."

The "sound" itself was a blend of traditional gospel, jazz, R&B and pop that had crossover appeal for audiences of all ages and races.

SOCIAL CHANGE/RACE:

"It was the first, I think, black record company that was able to make the transition ... and was not only for the black music audience but also for a world music audience. I think that's what Motown represented." -- <u>Danny Glover</u>, actor and activist

When Motown was born, as Robinson tells it, songs produced by African-American artists automatically were categorized as R&B, while a similar sound coming from a white artist would have been classified as pop.

But Gordy would have none of it. He set out to make music for all people, not "black music for black people" as had been the standard. While certain African-American artists had found a wider audience in the jazz and early rock-and-roll eras, Gordy took it a step further by pushing a sound that gained universal appeal and helped break down racial barriers in music.

His belief was that quality music would find its way into the ears of all, regardless of race.

"I think that's why it was so successful as a social tool, because it wasn't race-specific," DeGraw said. "It was just great music.

"And it allowed people to look past those typical lines. ... People could hear music like that in a time when people were looking at each other strangely, wondering what their motivations were, and they could go: `Hey man, OK, no one's holding a grudge. It just sounds good. Let's enjoy ourselves."

For Baker, Motown's barrier-busting ways hit home.

"I remember `The Ed Sullivan Show.' ... I'm a little kid. Every Sunday, Ed Sullivan comes on. And you get to see all of these artists from around the world. But Diana Ross and The Supremes come on. And I saw myself. Do you understand? I saw me," she said. "I saw a little black girl. ... I saw myself in a way I had never seen it before."

Motown billed itself as the "sound of young America," and it was that demographic that found itself at the center of the growing civil rights movement. Rosa Parks was arrested in Alabama a few years before Motown's founding, but the movement gained steam at the same time Motown did.

"Back in the '60s, when we weren't allowed to do or go certain places, our music crept into people's homes ... into their bathrooms, their bedrooms, their living rooms, their kitchens, their cars," Fakir said. "We spurred marriages and poor little crib babies ... 'cause parents were playing (our) music. ... That's how our legacy is going to be carried on."

LEGACY:

"That sound is just as alive today. And that sound still stands up. ... Everybody in the whole wide world has been influenced by Detroit and the Motown sound." -- <u>Dolly Parton</u>, country singer, songwriter and actress

Motown was groundbreaking in many ways -- from its signature sound and lengthy list of high-

profile artists to the unique way it created and recorded music -- but what's harder to pin down is what's kept the sound alive all these years.

"You hear (Motown) in almost everything," said Wilson, one-third of The Supremes. "I think Motown music, the Motown sound, is the model, the template that people use today in the music, and yes, you can hear it."

For many artists, it's inevitable that they would tread over some of the same ground because of the music's quality and distinctiveness.

"You can't get within sniffing distance of music, whether as a performer or listener, without being definitively impacted by these gods of thunder from Motown," said Nugent, the "Motor City Madman" who as a teenager played in a band that opened for The Supremes at Cobo Hall in Detroit.

Swift, a country singer-songwriter, admits it: She's one of the those whose sound is influenced by Motown. The 19-year-old, who has entered the realm of superstardom after back-to-back multiplatinum albums, says she and her father listened to his Motown greatest hits CD on the way to school.

"From an early age I had a bunch of different musical influences, but Motown I was just always so fascinated by the chord progression and how the lyrics and the melodies are so simple but they made you feel so much. I think that's the art of Motown," Swift said.

Another of the music world's hottest young acts, the <u>Jonas Brothers</u>, couldn't hide their glee at performing on this year's <u>Grammy Awards</u> telecast with Wonder, saying beforehand both they and their father grew up on the Motown legend's songs.

Not only did Motown bridge racial and generational gaps, but it also succeeded in crossing cultures.

Beatles manager Brian Epstein promoted Motown revues in the United Kingdom, which were popular with fans and stars alike. Fakir recalls being at a party with The Beatles, where the Fab Four peppered The Four Tops with questions about how they sang their harmonies and achieved other elements of their sound.

Motown even penetrated the Iron Curtain.

"I was in Russia some years ago before the walls came down. And we couldn't hardly get into Russia at that time -- the Cold War," said the Rev. <u>Jesse Jackson</u>. "All night long they played The Supremes, The Temptations, Stevie Wonder, Smokey Robinson. So the joy of Motown has been infectious around the world."

CODA:

"Let's just say it's a collision of grit and beauty. They're raw records. ... But they're beautifully crafted. They're wonderful to listen to, on every level." -- Don Was, record producer and musician

Another global sensation, the late Michael Jackson, also got his start at Motown as a member of The Jackson 5.

Gordy, at Jackson's memorial service in July, talked about the 10-year-old prodigy he signed, calling him "the greatest entertainer that ever lived."

Jackson and his brothers became instant teen sensations, but his stratospheric success came post-Motown in his adult years; he and his brothers left the label in the mid-1970s.

The Jackson 5 were one of the first acts to come up as Motown left Detroit for Los Angeles in the early 1970s. Most agree Motown's own California adventure has had its moments, but they don't match what happened in its hometown.

The Jackson 5, Gaye, Robinson, Ross and Wonder made the transition to L.A. and had chart-topping success, as did acts ranging from The Commodores to Rick James. Despite the plentiful hits among them, the sound was being challenged by newer grooves, and Motown lacked the deep roster it once had.

But by 1988, Gordy was ready to move on, selling Motown Records to MCA and a <u>private equity</u> firm. It was sold to PolyGram in the 1990s and now is held by Universal, where current acts include <u>Lil' Wayne</u>, <u>Erykah Badu</u> and Nelly.

Regardless of its present physical location, Motown is a Detroit creation, and that struggling Midwestern metropolis always will identify itself with the music.

"I'm glad they started in Detroit, and I hope that given the troubles they've got in Detroit now I hope they'll find some new version of Motown -- maybe in clean energy or something -- and 50 years from now somebody will be interviewed about that because Detroit gave America a great gift there," Clinton said.

Gordy and Robinson don't get back to Detroit all that often these days, but they were front and center at Hitsville on a crisp day this past March.

Contestants on the smash Fox singing competition "American Idol" came to Studio A to film segments for the show.

"I called it `Motown,' rather than `Motor City,' because there was more warmth here," Gordy told reporters that day. "The town was just beautiful. ... I may have left Detroit but wherever I go I carry Detroit with me. They know that's a Detroiter."

Robinson said the building that now houses the Motown Historical Museum was where "his real life began."

But the music that Robinson and scores more churned out of the cramped, sweaty confines of Studio A between 1959 to 1972 belong no more to them than the world.

"You can't ever know why something becomes timeless, whether it's the Jacksons, anybody.

Beethoven -- we don't know," said Leonard Slatkin, music director of the Detroit Symphony.

"Maybe it's a simple thing: It's infectious. ... Something about this music -- I don't think of as being from the '60s or '70s anymore when I listen to it. It seems very fresh and new."

AP Music Writer Nekesa Mumbi Moody in New York contributed to this report.

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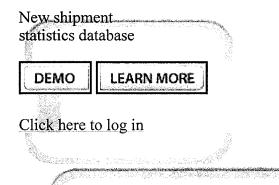
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Award Description	Format	Category	Type
PLATINUM	ALBUM	GROUP	ST
Artist BADU, ERYKAH	Title MAMA'S GUN	Certification Date 12/19/2000	Label MOTOWN
Award Description	Format	Category	Type
PLATINUM	ALBUM	SOLO	ST
Artist BIRDMAN	Title POP BOTTLES	Certification Date 04/28/2009	Label UNIVERSAL MOTOWN
Award Description	Format	Category	Type
PLATINUM	SINGLE	SOLO	MT
Artist BOYS, THE	Title MESSAGES FROM THE BOYS	Certification Date 06/01/1989	Label MOTOWN
Award Description	Format	Category	Type
PLATINUM	ALBUM	GROUP	ST
Artist	Title	Certification Date 08/20/1991	Label
BOYZ II MEN	COOLEYHIGHHARMONY		MOTOWN
Award Description	Format	Category	Type

PLATINUM	ALBUM	GROUP	ST
Artist	Title	Certification Date 10/31/1991	Label
BOYZ II MEN	MOTOWNPHILLY		MOTOWN
Award Description PLATINUM	Format	Category	Type
	SINGLE	GROUP	ST
Artist	Title	Certification Date 11/14/1991	Label
BOYZ II MEN	COOLEYHIGHHARMONY		MOTOWN
Award Description 2.00x MULTI PLATINUM	Format	Category	Type
	ALBUM	GROUP	ST
Artist	Title	Certification Date 01/10/1992	Label
BOYZ II MEN	COOLEYHIGHHARMONY		MOTOWN
Award Description 3.00 x MULTI PLATINUM	Format	Category	Type
	ALBUM	GROUP	ST
Artist	Title	Certification Date 04/10/1992	Label
BOYZ II MEN	COOLEYHIGHHARMONY		MOTOWN
Award Description 4.00x MULTI PLATINUM	Format	Category	Type
	ALBUM	GROUP	ST
Artist	Title	Certification Date 09/16/1992	Label
BOYZ II MEN	END OF THE ROAD		MOTOWN
Award Description PLATINUM	Format	Category	Type
	SINGLE	GROUP	ST
Artist	Title	Certification Date 12/17/1992	Label
BOYZ II MEN	COOLEYHIGHHARMONY		MOTOWN
Award Description 5.00 x MULTI PLATINUM	Format	Category	Type
	ALBUM	GROUP	ST
Artist BOYZ II MEN	Title IN THE STILL OF THE NITE	Certification Date 01/27/1993	Label MOTOWN
Award Description	Format	Category	Type
PLATINUM	SINGLE	GROUP	ST
Artist BOYZ II MEN	Title CHRISTMAS INTERPRETATIONS	Certification Date 12/09/1993	Label MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	GROUP	ST

Artist BOYZ II MEN	Title I'LL MAKE LOVE TO YOU	Certification Date 10/06/1994	Label MOTOWN
Award Description PLATINUM	Format	Category	Type
	SINGLE	GROUP	ST
Artist BOYZ II MEN	Title II	Certification Date 11/01/1994	Label MOTOWN
Award Description 3.00x MULTI PLATINUM	Format	Category	Type
	ALBUM	GROUP	ST
Artist	Title	Certification Date 11/01/1994	Label
BOYZ II MEN	II		MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	GROUP	ST
Artist BOYZ II MEN	Title II	Certification Date 12/01/1994	Label MOTOWN
Award Description 5.00x MULTI PLATINUM	Format	Category	Type
	ALBUM	GROUP	ST
Artist	Title	Certification Date 01/11/1995	Label
BOYZ II MEN	II		MOTOWN
Award Description 6.00x MULTI PLATINUM	Format	Category	Type
	ALBUM	GROUP	ST
Artist	Title	Certification Date 01/25/1995	Label
BOYZ II MEN	ON BENDED KNEE		MOTOWN
Award Description PLATINUM	Format	Category	Type
	SINGLE	GROUP	ST
Artist	Title	Certification Date 01/31/1995	Label
BOYZ II MEN	II		MOTOWN
Award Description 7.00x MULTI PLATINUM	Format	Category	Type
	ALBUM	GROUP	ST
Artist BOYZ II MEN	Title II	Certification Date 06/14/1995	Label MOTOWN
Award Description	Format	Category	Type
8.00x MULTI PLATINUM	ALBUM	GROUP	ST

Artist BOYZ II MEN	Title FROM THEN II NOW	Certification Date 08/31/1995	Label MOTOWN HOME VIDEO
Award Description PLATINUM	Format	Category	Type
	VIDEO LONGFORM	GROUP	ST
Artist	Title	Certification Date 12/18/1995	Label
BOYZ II MEN	COOLEYHIGHHARMONY		MOTOWN
Award Description 9.00x MULTI PLATINUM	Format	Category	Type
	ALBUM	GROUP	ST
Artist	Title	Certification Date 12/18/1995	Label
BOYZ II MEN	II		MOTOWN
Award Description 11.00x MULTI PLATINUM	Format	Category	Type
	ALBUM	GROUP	ST
Artist	Title	Certification Date 06/13/1996	Label
BOYZ II MEN	II		MOTOWN
Award Description 12.00x MULTI PLATINUM	Format	Category	Type
	ALBUM	GROUP	ST
Artist	Title	Certification Date 07/10/1996	Label
BOYZ II MEN	THE REMIX ALBUM		MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	GROUP	ST
Artist BOYZ II MEN	Title CHRISTMAS INTERPRETATIONS	Certification Date 10/18/1996	Label MOTOWN
Award Description 2.00x MULTI PLATINUM	Format	Category	Type
	ALBUM	GROUP	ST
Artist BOYZ II MEN	Title 4 SEASONS OF LONLINESS	Certification Date 10/14/1997	Label MOTOWN
Award Description PLATINUM	Format	Category	Type
	SINGLE	GROUP	ST
Artist BOYZ II MEN	Title EVOLUTION	Certification Date 10/28/1997	Label MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	GROUP	ST

Artist	Title	Certification Date 12/23/1997	Label
BOYZ II MEN	EVOLUTION		MOTOWN
Award Description 2.00x MULTI PLATINUM	Format	Category	Type
	ALBUM	GROUP	ST
Artist	Title	Certification Date 03/05/1998	Label
BOYZ II MEN	A SONG FOR MAMA		MOTOWN
Award Description PLATINUM	Format	Category	Type
	SINGLE	GROUP	ST
Artist CAILLAT, COLBIE	Title COCO	Certification Date 11/12/2007	Label UNIVERSAL MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist CAILLAT, COLBIE	Title COCO	Certification Date 08/04/2009	Label UNIVERSAL MOTOWN
Award Description 2.00x MULTI PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist COMMODORES	Title NATURAL HIGH	Certification Date 08/22/1978	Label MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	GROUP	ST
Artist	Title	Certification Date 02/03/1981	Label
COMMODORES	HEROES		MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	GROUP	ST
Artist	Title	Certification Date 12/16/1981	Label
COMMODORES	IN THE POCKET		MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	GROUP	ST
Artist GAYE, MARVIN	Title MARVIN GAYE'S GREATEST HITS	Certification Date 12/20/1993	Label MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist	Title	Certification	Label

Award Description PLATINUM	Format	Category	Type
	SINGLE	SOLO	MT
Artist GAYE, MARVIN	Title LET'S GET IT ON	Certification Date 06/25/2007	Label MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
GAYE, MARVIN	EVERY GREAT MOTOWN HIT	Date 10/18/1996	MOTOWN

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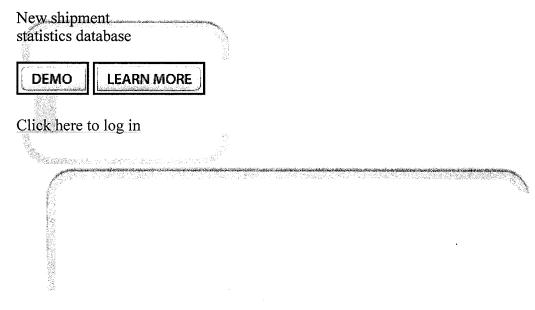
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Artist GILL, JOHNNY	Title JOHNNY GILL	Certification Date 06/18/1990	Label MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist GILL, JOHNNY	Title JOHNNY GILL	Certification Date 02/08/1991	Label MOTOWN
Award Description 2.00x MULTI PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist	Title	Certification Date 12/06/2001	Label
INDIA.ARIE	ACOUSTIC SOUL		MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist	Title	Certification Date 12/17/2003	Label
INDIA.ARIE	ACOUSTIC SOUL		MOTOWN
Award Description 2.00x MULTI PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist INDIA.ARIE	Title VOYAGE TO INDIA	Certification Date 08/04/2006	Label MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist JACKSON FIVE, THE	Title I WANT YOU BACK	Certification Date 08/07/1997	Label MOTOWN
Award Description PLATINUM	Format	Category	Type
	SINGLE	GROUP	ST
Artist	Title	Certification Date 02/19/2004	Label
MC DONALD, MICHAEL	MOTOWN		MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist MC KNIGHT, BRIAN	Title ANYTIME	Certification Date 04/22/1998	Label MOTOWN
Award Description	Format	Category	Type

PLATINUM	ALBUM	SOLO	ST
Artist	Title	Certification Date 10/15/1998	Label
MC KNIGHT, BRIAN	ANYTIME		MOTOWN
Award Description 2.00x MULTI PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist	Title	Certification Date 10/27/1999	Label
MC KNIGHT, BRIAN	BACK AT ONE		MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist	Title	Certification Date 01/24/2000	Label
MC KNIGHT, BRIAN	BACK AT ONE		MOTOWN
Award Description 2.00x MULTI PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist	Title	Certification Date 10/24/2001	Label
MC KNIGHT, BRIAN	BACK AT ONE		MOTOWN
Award Description 3.00x MULTI PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist	Title	Certification Date 10/30/2000	Label
RARE EARTH	GET READY		MOTOWN
Award Description	Format	Category	Type
PLATINUM	ALBUM	GROUP	ST
Artist	Title	Certification Date 12/09/1982	Label
RICHIE, LIONEL	LIONEL RICHIE		MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist RICHIE, LIONEL	Title CAN'T SLOW DOWN	Certification Date 12/12/1983	Label MOTOWN
Award Description	Format	Category	Type
PLATINUM	ALBUM	SOLO	ST
Artist	Title	Certification Date 10/19/1984	Label
RICHIE, LIONEL	LIONEL RICHIE		MOTOWN
Award Description 4.00 x MULTI PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST

Artist RICHIE, LIONEL	Title CAN'T SLOW DOWN	Certification Date 10/19/1984	Label MOTOWN
Award Description	Format	Category	Type
8.00x MULTI PLATINUM	ALBUM	SOLO	ST
Artist RICHIE, LIONEL	Title CAN'T SLOW DOWN	Certification Date 12/19/1985	Label MOTOWN
Award Description 10.00x MULTI PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist RICHIE, LIONEL	Title DANCING ON THE CEILING	Certification Date 10/16/1986	Label MOTOWN
Award Description 3.00x MULTI PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist RICHIE, LIONEL	Title DANCING ON THE CEILING	Certification Date 10/16/1986	Label MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist RICHIE, LIONEL	Title DANCING ON THE CEILING	Certification Date 05/21/1987	Label MOTOWN
Award Description 4.00x MULTI PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist	Title	Certification Date 10/20/1992	Label
RICHIE, LIONEL	BACK TO FRONT		MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist ROSS, DIANA	Title DIANA	Certification Date 02/03/1981	Label MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist ROSS, DIANA AND LIONEL RICHIE	Title ENDLESS LOVE	Certification Date 10/16/1981	Label MOTOWN
Award Description PLATINUM	Format	Category	Type
	SINGLE	DUO	ST

Artist ROSS, DIANA AND THE SUPREMES	Title SOMEDAY WE'LL BE TOGETHER	Certification Date 08/07/1997	Label MOTOWN
Award Description PLATINUM	Format	Category	Type
	SINGLE	GROUP	ST
Artist ROSS, DIANA AND THE SUPREMES WITH THE TEMPTATIONS	Title I'M GONNA MAKE YOU LOVE ME	Certification Date 08/07/1997	Label MOTOWN
Award Description	Format	Category	Type
PLATINUM	SINGLE	GROUP	ST
Artist SOUNDTRACK	Title THE BIG CHILL	Certification Date 03/29/1984	Label MOTOWN
Award Description	Format	Category	Type
PLATINUM	ALBUM	None	ST
Artist	Title	Certification Date 09/27/1985	Label
SOUNDTRACK	THE BIG CHILL		MOTOWN
Award Description 2.00x MULTI PLATINUM	Format	Category	Type
	ALBUM	None	ST
Artist SOUNDTRACK	Title THE BIG CHILL	Certification Date 07/20/1998	Label MOTOWN
Award Description 4.00x MULTI PLATINUM	Format	Category	Type
	ALBUM	None	ST
Artist SOUNDTRACK	Title MORE SONGS FROM THE BIG CHILL	Certification Date 08/06/1998	Label MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	None	ST
Artist	Title	Certification Date 10/15/1998	Label
SOUNDTRACK	THE BIG CHILL		MOTOWN
Award Description	Format	Category	Type
6.00x MULTI PLATINUM	ALBUM	None	ST
Artist	Title	Certification	Label
TEMPTATIONS, THE	MY GIRL	Date	MOTOWN
TEMI TATIONS, THE		09/08/1997	

PLATINUM	SINGLE	GROUP	ST
Artist TEMPTATIONS, THE	Title TEMPTATIONS ANTHOLOGY	Certification Date 10/12/1999	Label MOTOWN
Award Description PLATINUM	Format ALBUM	Category GROUP	Type ST
Artist TEMPTATIONS, THE	Title JUST MY IMAGINATION	Certification Date 10/12/1999	Label MOTOWN
Award Description PLATINUM	Format SINGLE	Category GROUP	Type ST
Artist TEMPTATIONS, THE	Title ALL THE MILLION- SELLERS	Certification Date 10/12/1999	Label MOTOWN
Award Description PLATINUM	Format ALBUM	Category GROUP	Type ST
Artist TEMPTATIONS, THE	Title I CAN'T GET NEXT TO YOU	Certification Date 10/12/1999	Label MOTOWN
Award Description PLATINUM	Format SINGLE	Category GROUP	Type ST
Artist TEMPTATIONS, THE	Title PHOENIX RISING	Certification Date 10/12/1999	Label MOTOWN
Award Description PLATINUM	Format ALBUM	Category GROUP	Type ST
Artist TEMPTATIONS, THE	Title BALL OF CONFUSION	Certification Date 10/12/1999	Label MOTOWN
Award Description PLATINUM	Format SINGLE	Category GROUP	Type ST
Artist TEMPTATIONS, THE	Title PAPA WAS A ROLLIN' STONE	Certification Date 10/12/1999	Label MOTOWN
Award Description PLATINUM	Format SINGLE	Category GROUP	Type ST
Artist TEMPTATIONS, THE	Title GREATEST HITS	Certification Date 10/15/1999	Label MOTOWN
Award Description	Format	Category	Туре

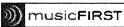
Artist	Title	Certification	Label
Award Description PLATINUM	Format VIDEO LONGFORM	Category None	Type ST
Artist VARIOUS	Title MOTOWN 25: YESTERDAY, TODAY, FOREVER	Certification Date 02/18/1986	Label MOTOWN HOME VIDEO
Award Description 2.00x MULTI PLATINUM	Format VIDEO LONGFORM	Category GROUP	Type ST
Artist TEMPTATIONS, THE	Title GET READY: DEFINITIVE PERFORMANCES 1965-1972	Certification Date 01/07/2009	Label MOTOWN
Award Description PLATINUM	Format VIDEO LONGFORM	Category GROUP	Type ST
Artist TEMPTATIONS, THE	Title GET READY: DEFINITIVE PERFORMANCES 1965-1972	Certification Date 06/29/2007	Label MOTOWN
Award Description PLATINUM	Format ALBUM	Category GROUP	Type ST
Artist TEMPTATIONS, THE	Title 20TH CENTURY MASTERS - THE BEST OF THE TEMPTATIONS	Certification Date 08/24/2005	Label MOTOWN
Award Description 2.00x MULTI PLATINUM	Format ALBUM	Category GROUP	Type ST
Artist TEMPTATIONS, THE	Title GREATEST HITS	Certification Date 10/15/1999	Label MOTOWN
Award Description PLATINUM	Format ALBUM	Category GROUP	Type ST
Artist TEMPTATIONS, THE	Title GIVE LOVE AT CHRISTMAS	Certification Date 10/15/1999	Label MOTOWN
PLATINUM	ALBUM	GROUP	ST

WONDER, STEVIE	THE WOMAN IN RED (SOUNDTRACK)	Date 11/08/1984	MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist WONDER, STEVIE	Title IN SQUARE CIRCLE	Certification Date 11/13/1985	Label MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist WONDER, STEVIE	Title IN SQUARE CIRCLE	Certification Date 12/04/1985	Label MOTOWN
Award Description 2.00x MULTI PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist	Title	Certification Date 01/08/1988	Label
WONDER, STEVIE	CHARACTERS		MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST

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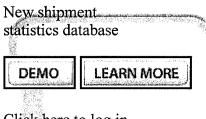
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Award Description PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist WONDER, STEVIE	Title SONGS IN THE KEY OF LIFE	Certification Date 03/29/2005	Label MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist WONDER, STEVIE	Title SONGS IN THE KEY OF LIFE	Certification Date 03/29/2005	Label MOTOWN
Award Description 10.00x MULTI PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist WONDER, STEVIE	Title THE DEFINITIVE COLLECTION	Certification Date 06/22/2005	Label MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	SOLO	ST
Artist	Title	Certification Date 10/04/1996	Label
ZHANE	ZHANE		MOTOWN
Award Description PLATINUM	Format	Category	Type
	ALBUM	DUO	ST

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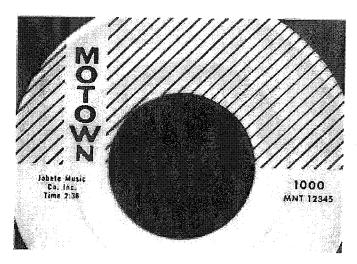




UMG RECORDINGS, INC. v. MATTEL, INC. OPPOSITION NO. 91176791

UMG RECORDINGS, INC.

EXHIBIT 7
TO TRIAL DECLARATION
OF PETER CAPARIS





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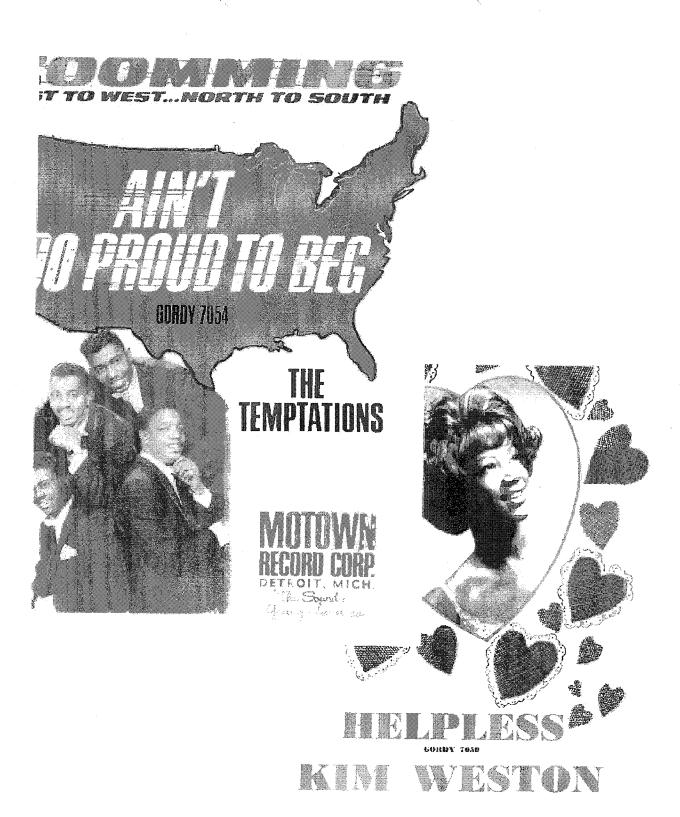
M-1044: lobede-BMI DM B-029109 Produced B Smox Time: 2; 45 Ri



JR. WALKER and the ALL STARS



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MOTOWN RECORD CORP.



The Motown Sound / The Sound of Young America

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MOTOWN 15



PLUS A BONUS TRACK
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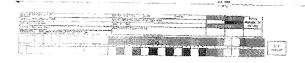






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UMG RECORDINGS, INC. v. MATTEL, INC. OPPOSITION NO. 91176791

UMG RECORDINGS, INC.

EXHIBIT 8
TO TRIAL DECLARATION
OF PETER CAPARIS







"All over the world, all through the races, all through everything, Motown bridged a gap...and I'm so proud of that!"

William "Smokey" Robinson,

(Smokey Robinson & The Miracles)

Wile USA Wile e ft all began

Motown Historical Museum is one of Detroit's most popular tourist destinations. Each year, the museum attracts thousands of visitors from across the nation and around the globe. The museum was founded in 1985 by Esther Gordy Edwards. Its mission is to preserve the legacy of Motown Record Corporation and to educate and motivate people, especially youth, through exhibitions and programs that promote the values of vision, creativity and entrepreneurship.

The museum exhibits trace the roots of Motown's remarkable story and chronicle its impact on 20th century popular culture and musical styles. The story begins with Berry Gordy, Jr. and a small house in Detroit that he christened, Hitsville USA (now home to Motown Historical Museum). The story continues as Motown evolves into a major entertainment enterprise that was among the most diverse and influential in the world.

The exhibitions include a fascinating collection of historical photographs, artwork, music, costumes and other memorabilia from this booming musical era. Each item tells a story – from the \$800 loan given to Berry Gordy, Jr. by the Gordy family savings club (the Ber-Berry Co-op) to produce his first record – to the explosive popularity of Motown's artists throughout the world. Visitors take a step back in time as they walk through the fully restored apartment that was once home to Berry Gordy, Jr, and stand in the original **Exhibit 8**

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Esther Gordy Edwards

Berry Gordy

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we'll keep you up-to-date with al upcoming Museum events. recording studio "Studio A" where Motown's greatest hits were recorded.

MUSEUM HIGHLIGHTS

Empire on West Grand Boulevard

This museum exhibit is a telling representation of the growth of Motown from a small startup business begun in 1959 to what became by the mid-70s the largest independent record company in the world. The exhibit includes models of eight houses on West Grand Boulevard acquired by the company to house its growing operations until it moved its offices to a high-rise in downtown Detroit in 1968. The display begins with Gordy's purchase of "Hisville USA", a house that served a dual purpose as his company headquarters and home. Visitors see the houses that made up the Motown empire from the front porch of the Hitsville house.

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Design: Wonder Dog, Inc

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UMG RECORDINGS, INC.

EXHIBIT 9
TO TRIAL DECLARATION
OF PETER CAPARIS



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Motown 40: The Music Is Forever (1998) (T

5.2/10 66 votes

Overview
User Rating:

MOVIEmeter: Down 28% in popularity this week. See why on IMDbPro.

Director: Yvonne Smith

Writers: <u>Suzanne De Passe</u> (writer)

Ruth Robinson (special material)

<u>more</u>

Contact: View company contact information for Motown 40: The Music Is

Forever on IMDbPro.

Release Date: 15 February 1998 (USA) more

Genre: Documentary | Music more

Plot Keywords: Soul Music | Concert Film | African American | Non Fiction

Awards: 1 nomination more

User Comments: Great! more

Cast (Credited cast)



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add photo	Albridge Bryant	•••	Himself (archive footage) (as Elbridge 'Al' Bryant)
	Mariah Carey		Herself
add photo	Diahann Carroll		Herself
	Dick Clark	•••	Himself
add photo	George Clinton		Himself
	Sean 'P. Diddy' Combs		Himself
	Don Cornelius		Himself
•	Clive Davis	•••	Himself
add photo	Lamont Dozier		Himself
add photo	Kenneth 'Babyface' Edmonds	•••	Himself
add photo	Dennis Edwards		Himself (archive footage)
add photo	Aretha Franklin		Herself
add photo	Melvin Franklin		Himself (archive footage) (as The Temptations)
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Motown veteran celebrates company's 40th anniversary

Article from: The Philadelphia Tribune Article date: June 12, 1998

Philadelphia Tribune, The

06-12-1998

Motown veteran celebrates company's 40th anniversary

This year, Motown Records is celebrating its 40th year in business and four decades of memories. And if most of that time was spent working at the world's best known record label then you know there are some incredible tales to tell and cherished memories to share.

Georgia Ward, 62, is the only employee working at Motown who was with the company in its earliest days while the then-fledgling company was still headquartered in Detroit.

While it was pioneer Berry Gordy Jr. who dreamed of starting a record company with an \$800 loan in 1959, it was people like Georgia who had the envied position of working with a host of future musical legends. Among them were such acts as the Temptations, Little Stevie Wonder, the Supremes, Mary Wells, the Marvelettes, and Smokey Robinson and the Miracles.

With all the automobile industry-related jobs in Detroit, Georgia never dreamed she would witness the growth of an entertainment legacy, when she moved from her hometown of Buffalo, N.Y., in 1966.

"All I wanted was a job," smiles the spry, 32-year Motown veteran. However, as Gordy set about the task of forging a record label that the entire world would come to love and respect, Georgia found her life enriched with glowing memories of a time when that history was being made.

Recounting how she found her way to Detroit, Georgia says it was a weekend trip to visit a girlfriend that spurred the then-29-year-old to move to Michigan's largest city. "It was a fun town that was full of energy, so I decided that it was the place for me."

Although her relocation to Georgia found her way into Motown was a little more difficult. "An employment agency sent me there because of my secretarial skills and I was promised a job but there was some kind of mix up because when I arrived for my first day on the job, somebody else was working at my desk."

Coming so close to such a promising opportunity only to have it pulled from under you is either devastating or motivating. Ever the optimist, Georgia put one foot in front of the other and made her way to the person who was in charge of hiring at the time. Planting herself in the woman's tiny office, Georgia resolved not to move until she got the job she had been promised.

"It was pretty tense in that small little office that morning because I needed work and wasn't going anywhere," she remembers. "I could tell this place was special because there was this sort of energy that I felt." As fortune would have it, the phone rang as Georgia quietly sat. "Somebody had just quit and there was an opening," she says. "So guess who got the job?"

Georgia's first job with the label was indexing data on all of Motown's artist recording sessions. "The first artist I met was Marvin Gaye," she beams. "I remember him being so good looking, but very polite and down to earth. That's the thing about all of the artists there. You knew they had this special talent for entertaining, but at the same time, they had their hats on straight and everybody treated everybody like family. It was a great year for me."

The starry-eyed new label hire wasn't the only one who had a good year in 1966. Motown's act the Temptations blistered the soul charts with four consecutive No. 1 hits ("Get Ready," "Ain't Too Proud to Beg," "Beauty is Only Skin Deep," and "(I Know) I'm Losing You"), while their label mates, the Supremes, the Four Tops, and Stevie Wonder also scored with No. 1 singles as well.

As with the other employees, executives and artists with Motown at the time, Georgia had little idea of the 40-year legacy they were building. "Maybe that's why all of the artists were such regular people, without that arrogant `star' attitude you see so much nowadays," she says.

It is said that it takes a village to raise a child and nowhere was that adage more true than at Motown. Georgia said one day Berry Gordy's 9-year-old son, Berry IV, was visiting the office and was in a particularly energetic mood. "He was ripping and running all over, playing with paper clips and shooting spitballs. After a time, I asked him to stop but he wouldn't. So I picked up my ruler and gave him a swat on the hand."

"Later that day, I got a call from Mr. Gordy's office saying he wanted to see me and I thought, `Oh Lord.' When I walked into his office he said, `I understand you hit my son. What happened?'"

"Well, Berry IV was there and he started hollering, "I want her fired! I want her fired!"

"You can imagine what was going through my mind as I stood there, but I explained to Mr. Gordy what had happened and he leveled his eyes at me and simply said, `Good for you' and excused me. As I was leaving, I heard Berry IV yelling to his father, `You're not going to fire her?' Mr. Gordy just looked at his son and said, `I told you when you come to the office that you had to be good."

Georgia's tenure with Motown has been filled with cherished encounters. She reports that her most memorable artist encounter was while working in the original Hitsville offices in Detroit soon after she was hired.

"You have to remember that we were working in a house. We heard all the music from the recording sessions, because our office was right about the recording studio. One day, we were all hard at work when I heard this loud banging and thought `What on earth?' When I asked what all the racket was, somebody said, `Oh that's just Stevie.'

"I was just flabbergasted because he had made his way to the office and up the back stairs all by himself. And then when he came into the room where we were, he just stopped and said, `There's somebody new here.' I couldn't believe it."

Georgia managed to recover from Stevie Wonder's whirlwind arrival in time to answer his questions as to her name and zodiac sign. "From that day on, he called me Pisces," she recalls with a smile. "You can imagine how thrilling things were around the office. One minute you're hard at work and the next you're sitting there talking with one of the hottest names in music."

During her career with the label, Georgia worked in several departments engaged in a variety of administrative, archival and operations-related positions. "It gave me a chance to meet all the artists and staff, and see inside the inner workings of a record label," she says. "It was all so exciting. We were growing so fast and had such early success, but Mr. Gordy kept everyone involved in the record-making process, which made us all feel like family; there was a real camaraderie among us."

Georgia says it was not at all unusual for Gordy to assemble staff from various departments to listen to a newly recorded song and then ask them for comments. "It helped us all to really connect with what was happening on the creative side of the company. That level of involvement is one of the things that made it special to work at Motown.

Another specialty of Motown's working environment was the fact that it afforded Black women the opportunity to hold significant positions within the company without the benefit of scholastic degrees. This was rare in those days, because women as a whole did not play an integral part of the inner workings of the music business. It was a man's world.

However at Motown, various women held the positions of A&R (Artists & Repertoire) Director, head of manufacturing, quality control manager, head of artist management and head of artist development just to name a few. These women had the fortitude to go forward with their instincts to get the jobs done. They were the behind-the-scenes unsung heroines of Motown."

In 1972, Stevie Wonder's "Superstition" was No. 1 for three weeks. It was also the year that Motown pulled up stakes and headed West to its new digs in Hollywood, California. However, Georgia, along with two other employees, remained in Detroit. "We still had our recording studio there and most of the artists still wanted to record there. I guess because it was so familiar to them and allowed them to do their best work," she speculates.

Eventually the relocated Motown headquarters required Georgia's full time services, so she was moved to Los Angeles where she continued working in the A&R department. Other areas where she's worked in the 20 years since moving include the L.A. recording studio as traffic manager, in A&R as production manager, in the tape library, the label's archive manager, and in the special markets department.

By 1995, Motown had relocated its headquarters again, this time to New York. And as before, Georgia remained behind holding down the vital job of managing the archives. Two years later, when current president/CEO George Jackson took the helm of the company, he mandated greater exploration of Motown's exhaustive archives in an effort to issue rare, previously unheard recordings I a task ideally suited for Georgia, who knew the indexing and catalog files better than anyone.

"It's amazing how much untapped music exists in our vaults; rare, unreleased, gospel, Spanish, hard-to-find classics, etcetera, that I am in the process of compiling for release. For example, there are duet recordings with Stevie Wonder and [The Four Tops] Levi Stubbs as well as many others," she reports.

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Georgia was also largely responsible for selecting the 40 songs that appear on Motown's signature anniversary double CD release, "Motown 40 Forever." "So many artists have passed through the doors of Motown, and today our act Boyz II Men rules the radio," Georgia says. "The label is coming full circle with our new president who wants to share it all with everyone and I'm just taking it one day at a time."

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Motown Sound Reaches Out To The Web

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As part of the label's 40th anniversary celebration, Motown Records has launched a new web site that illustrates its musical past and offers a glimpse into the label's future

Located on the internet at www.motown40.com, the site pleases old school fans with info on such Motown artists as Smokey Robinson, Diana Ross, the Jackson 5 and Marvin Gaye, in addition to present acts Boyz II Men, Queen Latifah, Zhane and 98 Degrees.

The Motown site also offers a digitized history of the influential label via a comprehensive timeline, complete artist discography and photo archive, as well as a RealAudio jukebox which samples the upcoming "Motown 40 Forever" doublealbum set.

The label plans to expand the site in upcoming months to include artist updates, feature stories and live chats with acts from the Motown roster.



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Mendelssohn's op.119 and Paganini's Allegro d concert op.11 for violin and orchestra. There are many others for which the exhibition of a performer's digital agility seems the sole justification.

The quality of perpetual (not necessarily rapid) movement has, however, always been a resource capable of yielding valuable results. The continuous forward momentum of many Baroque movements is due to the relentless persistence of a Gehende-bass ('walking bass'). Continuous movement is implied in the character of dances like the tarantella, and may justifiably be employed to achieve brilliance in forms like the toccata (e.g. Schumann's op.7) or in the finale of a larger work (e.g. Haydn's String Quartet op.64 no.5). It is used in Chopin's Bb minor Piano Sonata op.35 to achieve a close of feverish brilliance; Chopin often used effects of perpetual motion in his studies. In song accompaniments, far from being a purely mechanical device, it may appropriately reflect the mood of the verse. The desperation in Schubert's Erstarrung (Winterreise, no.4) is achieved partly through such means; the momentary cessations of movement in his settings of Erlkönig and Gretchen am Spinnrade, and in the finales of Beethoven's piano sonatas op.26, op.31 no.3 and op.54, sensitively articulate the design of movements all of which rely heavily on the device of moto perpetuo. Johann Strauss the younger wrote his wellknown Perpetuum mobile op.257 as a 'musikalischer Scherz' ('musical joke'). MICHAEL TILMOUTH

Motown. American record company specializing in black soul music; the name is the registered trademark of the company but has also come to be used as a descriptive term for the associated musical style. The company was founded by BERRY GORDY in Detroit ('motor town': hence the name) in 1959 as Tamla Records, the Motown imprint following in 1961. Subsequent subsidiary labels to Motown included Gordy (1962), Soul (1964), VIP (1964), Rare Earth (1969) and Black Forum (1970). Gordy himself trained all the early songwriters and producers in an attempt to reach both black and white audiences, and quickly achieved hits with the Miracles, the Marvelettes, Mary Wells and Martha and the Vandellas. By 1963 Motown's sales of singles in the USA were exceeded only by RCA and CBS, and soon such artists as Marvin Gaye, the Supremes, Stevie Wonder, the Temptations, the Four Tops and Junior Walker and the All-Stars had been built

Motown's distinctive sound developed from a policy of using the same teams of songwriters and producers, the same musicians and the same studio for virtually every recording. Although there was a fair degree of latitude in the realization of this sound from artist to artist, there were a number of important general characteristics. While the basic pulse was always articulated by a variety of instruments (sometimes aided by handclaps and foot stamping rooted in gospel music) and featured prominently in the mix, the backbeat was often minimized. The lead instrument was commonly a non-rock or rhythm and blues instrument such as a bassoon, english horn or vibraphone. The production tended to emphasize the lead singer in the mix with the instrumental accompaniment, blended in a fashion clearly influenced by the dense 'wall of sound' productions of Phil Spector. The high end of the sound register was often favoured as were composite timbres frequently produced by combining up to four

sound sources. James Jamerson's bass lines were more tonally developed (involving a high level of chromaticism and passing notes) than many of the time. Lyrics tended to be rich in internal rhyme, alliteration, metaphor and other poetic devices, and songs tended to have multiple books.

In 1971 Motown moved to Los Angeles in order to expand into films and enjoyed continued success with Gaye and Wonder, as well as the Commodores, the Jackson 5, Rick James and Lionel Ritchie. However the relocation contributed to the company's losing its focus and consequently, as performers recorded in whatever style was popular at the time, its characteristic sound. In 1988 Gordy sold Motown to MCA records.

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 ROB BOWMAN

Motsev, Alexander (b Lom, 16 Oct 1900; d between Lom and Sofia, 24 Dec 1964). Bulgarian music folklorist. He studied music theory with Dobri Khristov and music history, education and aesthetics with Stoyan Brashovanov at the State Music Academy in Sofia, where he graduated in 1925. From 1925 to 1938 he taught music at the gymnasium in Lom; he also produced a dozen operettas and operas (including Gluck's Orfeo and Flotow's Martha) with an amateur company and formed an amateur choir which gave concerts in Romania and Yugoslavia. In 1938 he moved to Sofia, where he taught as a school music teacher, and from 1942 until 1945 he studied musicology with Erich Schenk in Vienna. On his return he taught in the same Sofia Gymnasium and, for a short time, music history and solfège at the Sofia Music School. Until 1956 he worked as adviser for the Central House of Folk Art in Sofia. He died in a car accident.

WRITINGS

Ritam i takt v balgarskata narodna muzika [Rhythm and metre in Bulgarian folk music] (Sofia, 1949)

Rabota nad ispalnenieto i agogikata na pesenta [Work on the performance and accentuation of song] (Sofia, 1953)

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'Taktovete's hemiolno udalzheni vremena v zapisite na balgarskite
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Ornamenti v balgarskata narodna muzika[Ornaments in Bulgarian folk music] (Sofia, 1961)

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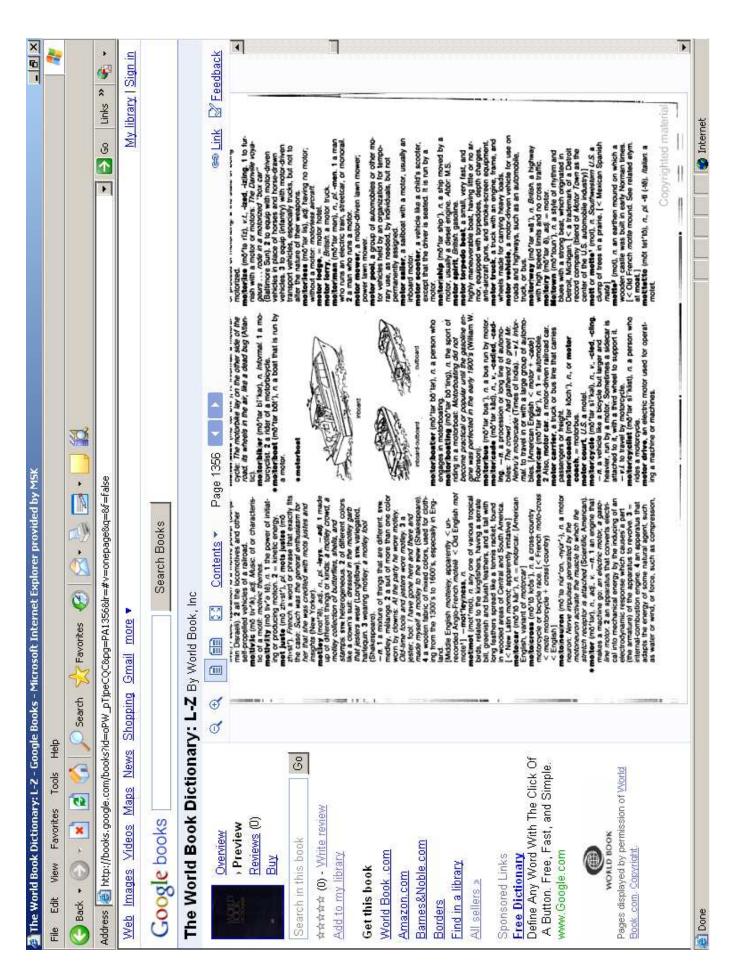
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Hitsville USA Low Profile Unstructured Cap # MHM4168



MOTOWN Logo Cap (Black) # MHM4192M



MHM38429





Motown "M" Fitted Cap # MHM4192SM



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Collectibles

Caps

- ► Lapel Pins
 - ► Tamla Lapel Pin
 - ➤ Motown "M" Lapel

Pin

- ➤ Soul Lapel Pin
- ► Hitsville USA Lapel

Pin

- ► Gordy Lapel Pin
- > Studio A Brass Lapel

Pin

- > Studio A Full Color
- > Rhinestone Pin
- ➤ Tamla Motown Lapel

Pin

Educational



Tamla Lapel Pin # MHM206



Hitsville USA Lapel Pin # MHM214



Studio A Full Color Lapel Pin # MHM223



Motown "M" Lapel Pin # MHM207



Gordy Lapel Pin # MHM221





Rhinestone Pin # MHM224



Soul Lapel Pin # MHM213



Studio A Brass Lapel Pin #MHM222





Tamla Motown Lapel Pin #MHM225

Exhibit 11 Page 113

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➤ Motown Sound: The Music



Motown Sound: The Music and the Story # MHM220





MOTOM man, the dreams of a generation, the soul of a nation, and the sound of young America. Motown Records has been home to numerous recording legends. It represents the ambitions of one VINYL RECORD PLA MOTOWN PLATE \$6.99 Exhibit 11 Page 117

UMG RECORDINGS, INC.

EXHIBIT 12 TO TRIAL DECLARATION OF PETER CAPARIS





THE LEADER IN HOME KARACKE AND BEYOND

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_

The Singing Machine is the world leader in home karaoke systems and you can get our company news here.

The Singing Machine sells the best quality karaoke systems on the market. We have been in business for over 25 years and have millions of satisfied karaoke customers. We have karaoke systems to satisfy any consumer's needs and an excellent Customer Support Team.



Click the logo above to download Adobe Acrobat Reader (required to view PDF documents). This software is available free of charge.

Press Release

The Singing Machine Company and Universal Music Enterprises In Perfect Harmony With Merchandise License Program for Motown

February 12, 2003

Singing Machine to Create Motown-Branded Karaoke Machines and CD+G's Featuring Legendary Motown Music - Scheduled for Summer Launch

Coconut Creek, Florida, February 12, 2003 The Singing Machine Company (ASE:SMD), a leading manufacturer and distributor of home electronic karaoke equipment, karaoke music and related audio products, announced today that it has signed a multi-year, domestic merchandise license agreement with Universal Music Enterprises and Motown Record Company, divisions of Universal Music Group, to support a line of Motown-branded karaoke machines and music software.

"Motown clearly is the music industry's most recognizable brand name. To be teaming with one of the world's top entertainment brands is a real coup for The Singing Machine Company. We are thrilled with this new program that reflects our strategy to bring exciting, innovative products to large new markets. With this agreement we are targeting music lovers who grew up on the 'Motown Sound' in the 1960's and 1970's, an important and untapped demographic segment with substantial growth potential. We believe that our new Motown-branded karaoke machines and CD+G's (CD with graphics) featuring the unforgettable Motown music will be a hit with young and middle-aged adults, as well as many teenagers who may be introduced to these memorable songs that continue to shape the musical landscape. Because of growth opportunities like the Motown program and the substantial increase in orders from our major customers over last January, we are optimistic that fiscal 2004 will be another year of record revenue and earnings for

Singing Machine," said John Klecha, Chief Operating Officer.

"We are very excited about this innovative program to extend the Motown brand into a new electronics merchandise market segment. Motown Records has left an undeniable mark on our popular culture through its history of groundbreaking music," commented Kojo Bentil, Senior Vice President, Motown Record Company.

The first Motown-licensed karaoke machines and CD's+Graphics with music from the Motown music library should be available in stores beginning in Summer 2003. They will be distributed through leading mass merchandisers, discount merchandisers, warehouse clubs, specialty stores, department stores, toy stores, e-commerce, catalogs and direct to consumer sales, music stores, outlet malls and video stores.

"Motown has spent over 40 years earning its reputation as one of the world's top entertainment brands. We are very pleased to have The Singing Machine Company as a licensee for this truly important American icon. They will be one of the key licensees as our overall licensing and merchandising program for Motown takes shape in 2003," said Andy Richmond, Vice President of The Stronghold Group, who is the exclusive licensing agent for UME as it relates to the Motown trademark and who engineered this deal.

"We are all delighted to have The Singing Machine as part of the ongoing merchandising initiative behind the Motown brand. This type of property is a natural fit to bring our music to consumers in innovative ways, @ said Charlie Katz, Senior Vice President Strategic Marketing, Universal Music Enterprises.

About Universal Music Group

Universal Music Group is the world's leading music company with wholly-owned record operations or licensees in 63 countries. Its businesses also include Universal Music Publishing Group, one of the industry's largest global music publishing operations.

Universal Music Group consists of record labels Decca Record Company, Deutsche Grammophon, Interscope Geffen A&M Records, Island Def Jam Music Group, Lost Highway Records, MCA Nashville, MCA Records, Mercury Records, Motown Records, Philips, Polydor, Universal Music Latino, Universal Records, and Verve Music Group as well as a multitude of record labels owned or distributed by its record company subsidiaries around the world. The Universal Music Group owns the most extensive catalog of music in the industry, which is marketed through two distinct divisions, Universal Music Enterprises (in the U.S.) and Strategic Marketing and Commercial Affairs (outside the U.S.). Universal Music Group also includes eLabs, a new media and technology division.

Universal Music Group is a unit of Vivendi Universal, a global media and communications company.

About The Singing Machine Company

Incorporated in 1982, The Singing Machine Company produces and distributes a full line of consumer-oriented karaoke machines, CD with graphics machines and CD+G and audio karaoke music under The Singing Machine, MTV and Nickelodeon umbrellas. The company, which is based in Coconut Creek, Florida, was the first manufacturer to offer karaoke electronic recording equipment and audio software for home use in the U.S.

About The Stronghold Group

Headquartered in Los Angeles, The Stronghold Group is the nation's premiere entertainment brand management firm, representing artist, athlete, and entertainment property in the areas of brand management, licensing, merchandising,

commercial sponsorships and endorsements, professional representation, event packaging and proprietary product development. Stronghold's services provide artists and entertainment properties with tremendous brand building and brand extension opportunities, in addition to lucrative sources of long-term, ancillary income. The Stronghold Group currently works with music artists such as Dave Matthews Band, Linkin Park, Nelly, Korn, and KISS; entertainment and lifestyle brands such as Motown and Playboy; models such as Victoria Silvstedt and Karen McDougal; and athletes such as extreme sports superstars Daewon Song, Stevie Williams, and street luger Pamela Zoolalian.

Safe Harbor Statements under the Private Securities Litigation Reform Act of 1995.

This press release contains forward-looking statements. Such statements reflect the current views of the Company with respect to future events and are subject to certain risks, uncertainties and assumptions, including but not limited to those relating to product demand, pricing, market acceptance, the effect of economic conditions and other risks identified in the Company's filings with the Securities and Exchange Commission. Although the Company believes that the expectations reflected in such forward-looking statements are reasonable, should one or more of these risks or uncertainties materialize, or should underlying assumptions prove incorrect, actual future results or events may vary materially from those described herein.

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UMG RECORDINGS, INC.

EXHIBIT 13 TO TRIAL DECLARATION OF PETER CAPARIS

Motown Record Corporation Informational Site

2648 West Grand Boulevard, Detroit - Wayne County

Other Names Hitsville, U.S.A. Significant Person Berry Gordy Jr.

Marker Name Motown

MOTOWN The "Motown Sound" was created on this site from 1959 to 1972. The company was started with an eight hundred dollar loan from the savings club of the Bertha and Berry Gordy, Sr., family. Originally called Tamla Records, the company's first national release was "Money (That's What I Want)," in August 1959. The founder, choosing a name that reflected the Motor City, coined the word "Motown" for the company that was incorporated as the Motown Record corporation on April 14, 1960. That same year it produced its first gold record, "Shop Around." In 1968 the company, which had grown from a family-oriented business to an international enterprise, moved its business operations to 2457 Woodward. Motown provided an opportunity for Detroit's inner-city youth to reach their full potential and become super stars. SIDE TWO By the end

Marker Text

of its first decade, Motown was the largest independent manufacturer of single 45 rpm records in the world. Among Motown's record labels were Tamla, Motown, Gordy, Soul, VIP, Rare Earth, Black Forum, Workshop Jazz, Divinity and others. In 1972, Motown moved its headquarters to Los Angeles, California. The company expanded its television productions and entered the motion picture industry. Lady Sings the Blues, Motown's first feature length film, received five Academy Award Nominations. By 1975, Motown Industries was the largest black-owned corporation in the world. In 1980 the Motown Historical Museum was established at Hitsville U.S.A. to commemorate the Motown Sound and to memorialize Motown's distinctive heritage and its global impact.

Period of Significance

1959-1968

Significant Date(s) 1959, 1968, 1972, 1985

Registry Type(s) 11/11/1987 Marker erected 08/21/1987 State Register listed

Site ID# P25185

UMG RECORDINGS, INC.

EXHIBIT 14 TO TRIAL DECLARATION OF PETER CAPARIS HighBeam Research page 1 of 2





BERRY GORDY JR.(helped the social landscape of Detroit)

Article from: <u>Crain's Detroit Business</u> Article date: <u>November 1, 1999</u> Author: <u>Kosseff, Jeffrey</u>

Nashville has country music. Chicago has the blues. New Orleans has Dixieland. Seattle has grunge.

And Detroit will always identify itself with Motown, the 40-year-old record label that set new standards for black performers in the record industry and the rest of the business world.

Motown was the vision of Berry Gordy Jr., a former automotive worker who founded the Detroit company with an \$800 loan from his parents in 1959.

Over the next decade, Gordy produced countless black superstars, including The Four Tops, Gladys Knight and the Pips, and the Temptations.

Motown is an important part of Detroit's worldwide reputation, said Mike Smith, an archivist at Wayne State University's Walter Reuther Library.

``If you refer to Detroit as Motown, everyone knows what you're talking about," Smith said. ``It was a particular type of music that put Detroit on the map."

Before Motown, record companies did not give black musicians equal treatment, said local historian Norman McRae, a member of the Detroit Historical Commission. ``Prior to Berry Gordy, blacks in the music business were horribly exploited. He came along and entered into a field where no blacks had gone before," McRae said.

Many of Motown's stars came from the arts program at Detroit Public Schools, McRae said.

"He established a company where local people could write music and learn the technical skills of making records," McRae said.

After he recruited talented musicians, he shaped their image by telling them how to dress and act.

Gordy established Motown at the beginning of the civil-rights movement, and he had to fight racial prejudice to become successful.

``It developed in a unique decade, with civil rights and civil disorder," Smith said. ``And during the civil-rights movement, you see more and more African-Americans in music."

Besides providing a training ground for talented black musicians, Gordy was a successful black businessman whom many people admired, said David Lewis, a University of Michigan business professor.

[&]quot;He was a fine, decent man," Lewis said. "He looked after his employees and was a

HighBeam Research page 2 of 2

role model who African-Americans could take great pride in."

To be closer to the center of the music business, Gordy moved Motown to Los Angeles in 1972.

``It was certainly a bit of a blow to Detroit," Smith said. ``At that time, you had a tremendous flight of people out of Detroit. You had the de-industrialization of the city. It's an example of when things moved out of Detroit."

Gordy has donated \$3.5 million toward converting the former Motown Center headquarters on Woodward Avenue into a Motown museum complex. The project is expected to cost between \$21 million and \$23 million.

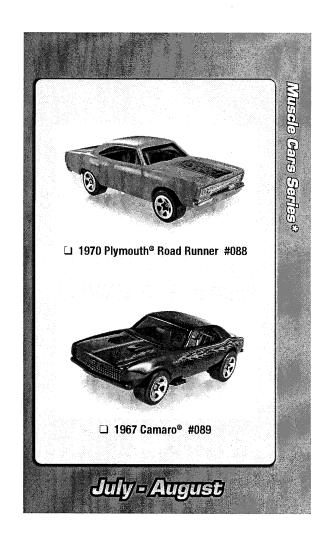
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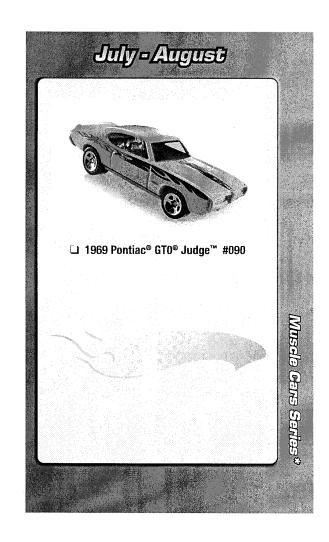
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UMG RECORDINGS, INC.

EXHIBIT 15 TO TRIAL DECLARATION OF PETER CAPARIS







UMG RECORDINGS, INC.

EXHIBIT 16 TO TRIAL DECLARATION OF PETER CAPARIS

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 1
           IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
 2
 3
             BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
 5
      UMG RECORDINGS, INC.,
 6
                      Opposer,
 7
                                      Opposition No.: 91176791
                  vs.
     MATTEL, INC.,
                      Applicant.
10
11
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14
                    DEPOSITION OF RAYMOND ADLER
                      Los Angeles, California
15
                      Tuesday, July 22, 2008
16
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18
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23
      Reported by:
24
      SUSAN A. SULLIVAN, CSR #3522, RPR, CRR
25
      JOB NO. 17818
                                                                 Exhibit 16
                                                                 Page 128
```

	rage
. 1	RAYMOND ADLER
2	Q Okay. Was it distributed in any other way?
3	A Again, sometimes we would we would ship
4	some to specific retail stores for Hot Wheels events
5	and then we may have offered it on line as well. I'm
6	not a hundred percent sure.
7	Q Would one of these posters exist for 2007
8	as well?
9	A Yes.
10	MS. LEWIS: Counsel, I would like to
11	represent that we don't have one of these for
12	2007. To the extent that a 2007 poster exists
13	that's responsive to the discovery request we
14	propounded, we would like a copy of it.
15	MR. ISER: So noted.
16	Q Do you see the words "Motown Metal"
17	anywhefe on this poster?
18	A No.
19	Q What is the you earlier indicated that
20	the Motown Metal products are the items surrounded in
21	light blue. Is there a series name associated with
22	those items?
23	MR. ISER: Object that the question is
24	vague and ambiguous.
25	A On the 2006 poster the series name is

Page 61

```
RAYMOND ADLER
```

- designated the muscle car series.
- Q Do you know when this poster was
- 4 manufactured?
- ⁵ A I don't.
- Q Do you know when this poster was designed?
- A It had to be mid to probably -- probably
- 8 mid to late 2005.
- 9 Q Do you know why they were called muscle
- cars as opposed to Motown Metal?
- 11 A Only -- no, no.
- Q So this poster was being distributed then
- in 2006, correct?
- A Yes.
- Q You can fold that up and put it to one
- side.
- And I would like to refer you to a document
- that's been marked as Exhibit 4. Have you seen this
- document before?
- A Yes.
- Q What is it?
- A It is our 2006 collector guide.
- Q What's the purpose of the collector guide?
- A Just another more pocket form of
- communicating our 2006 line of Hot Wheel basic cars.

Exhibit 16

RAYMOND ADLER

- ² A Yes.
- Q Okay. Still focusing on the bottom E-mail,
- 4 if you could just read the one-line body of that
- 5 E-mail.

1

- A "Hi Team, Please provide me the icon for
- 7 the Muscle Car Segment and the cleared segment name
- by 203. Thanks and regards, Richard."
- ⁹ Q Do you know what he means by the icon for
- the Muscle Car Segment?
- A Yes. If we go -- sorry.
- Q Sure. Which do you need?
- A Five. So in Exhibit 5, this right here is
- the icon.
- ¹⁵ Q So you are pointing at -- sorry, because we
- won't know what gestures are on the record -- you are
- pointing to APP 3 and you are referring to the image
- that is next to the words "Motown Metal."
- ¹⁹ A Yes.
- Q To the right of it.
- A Yes. The "M" with flames.
- Q And who designed that icon?
- A I don't know.
- Q And when it says "cleared segment name,"
- what does that mean?

RAYMOND ADLER 2 order and we fulfill that order. And when you are referring to an account registered to sell Mattel products, do you mean --5 what do you mean by an account? Α A retail store. O Anything else? Α It could be. I'm not sure. How do the accounts place their orders? 0 10 Α I don't know. Unless maybe I'm 11 misunderstanding you. 12 MR. ISER: You are not. 13 Let me just object that the question is 14 beyond the scope of the topics for examination. 15 When an account places an order for Mattel Q 16 products does -- well, hang on. 17 When an account places an order for Hot 18 Wheels Basic Cars, does it place that order for Hot 19 Wheels Basic Cars in general or does it say, "I 20 want" -- "I want the Motown Metal Segment"? 21 Hot Wheels cars in general. I don't -- all 22

- of our cars are sold under what's called an
- 23 assortment.
- 24 Q What does that mean?
- 25 It means when you order a standard case of

ľR

- basic cars, you don't know which cars will be inside.
- Q How does Mattel determine what's going to
- be in a case?

1

- 5 A Generally through Marketing.
- Q How does Marketing make that determination?
- A Usually based on, you know, research
- information, other factors that we need to make sure
- that we're getting -- sorry. Cost concerns, things
- of that nature.
- 11 Q How many cars -- well, how many -- do the
- cases contain individual packages of cars?
- MR. ISER: Object that the question is
- vague.
- 15 Q Well, you referred to a case earlier. What
- is that?
- A Generally it means 72 basic cars come in a
- case generally.
- 19 Q And, generally speaking, will those be 72
- different basic cars?
- A No, usually there's -- there can be more
- than one of the same car in a box.
- Q Are there usually subgroups in each box of
- a certain number?
- MR. ISER: Object that the question is

Exh**i**bit 16 Page 133

Page 100

·	Page
1	RAYMOND ADLER
2	vague and compound.
3	A No.
4	Q You mentioned that the toys are sold in
5	retail stores. Which ones?
6	A Many. We sell our Hot Wheels Basic Cars in
7	a lot of retail stores. I can, you know
8	Q Give me some examples.
9	A WalMart, Target, Toys "R" Us, Kmart, KB.
10	Q Anywhere else?
11	A Tons of other places. I don't necessarily
12	know for sure.
13	Q Do you know for sure of any other
14	particular ones?
15	A Drugstores, grocery stores. But, again,
16	not necessarily specifically.
17	Q So are you saying you know they're sold in
18	grocery stores but you don't know that they're sold
19	in a Pavilions?
20	A Right.
21	Q Is that true for Motown Metal toys as well?
22	MR. ISER: Object that the question is
23	vague.
24	A All of our basic car all of the cars in
25	our basic car line which include the Motown Metal

Page 101

```
1
                           RAYMOND ADLER
      Segment would have been sold in all of those places.
 3
                Were the Motown Metal toys sold in
      catalogues?
           Α
                Not that I know.
 6
                MR. ISER:
                           The question is vaque.
 7
           Α
                Not to my knowledge.
 8
                Were the Hot Wheels basic toys sold in
           Q
      catalogues?
10
           Α
                Not to my knowledge.
11
           0
                Were the Motown Metal toys sold on the
12
      internet?
13
                MR. ISER:
                          Object that the question is
14
           vaque.
15
                Not -- not to my knowledge directly by
           À
16
     Mattel.
17
                It is possible that third parties sold
18
     Motown Metal toys on the internet?
19
                MR. ISER:
                           Objection; calls for the witness
20
           to -- the form of the question calls for
21
           speculation, lacks foundation for the witness.
22
              If you can respond without guessing, that's
23
           fine.
```

I don't know.

24

25

Α

O

Yeah.

Is it fair to say that the Hot Wheels basic

	Pag
1	RAYMOND ADLER
2	dislike and know what vehicles they have and don't
3	have. Kids choose basic cars on a different set of
4	criteria.
5	Q Do you know what those criteria are?
6	A Generally the shape of the vehicle is the
7	most important to kids, followed by the color of the
8	vehicle.
9	Q How do you know that?
10	A We do consumer research.
11	Q Do purchasers tend to have favorite Hot
12	Wheels Basic Cars?
13	MR. ISER: Objection. The question is
14	vague, lacks foundation, is compound, calls for
15	the witness to speculate.
16	A I don't know.
17	Q Do purchasers research Hot Wheel Basic Car
18	prior to purchase?
19	MR. ISER: Object that the question is
20	vague, it is compound, lacks foundation, calls
21	for speculation.
22	A I don't know other than to say, you know,

Q Do you know if customers associate Motown

Metal with Mattel?

adult consumers might.

23

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UMG RECORDINGS, INC. v. MATTEL, INC. OPPOSITION NO. 91176791

UMG RECORDINGS, INC.

EXHIBIT 17 TO TRIAL DECLARATION OF PETER CAPARIS



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APP 002

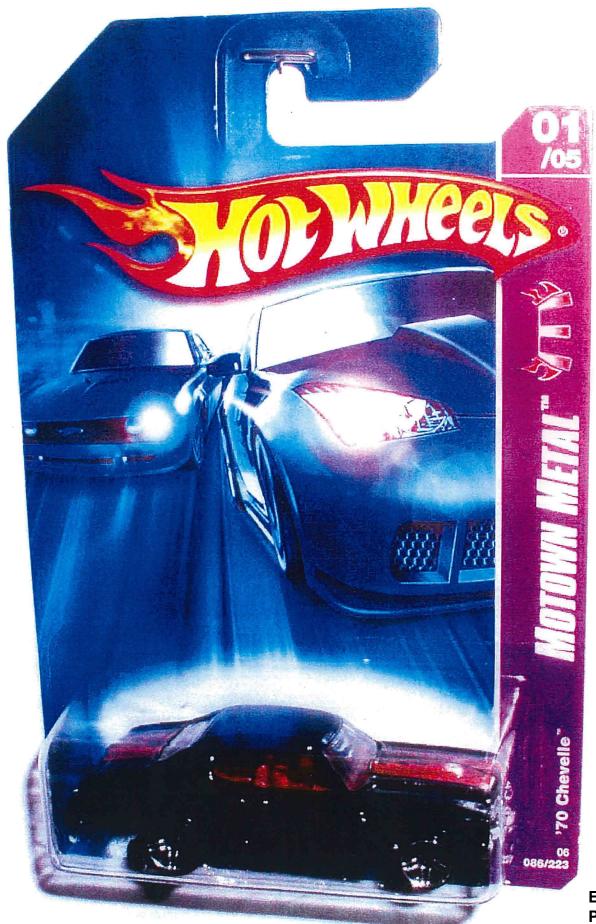


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APP 017

UMG RECORDINGS, INC. v. MATTEL, INC. OPPOSITION NO. 91176791

UMG RECORDINGS, INC.

EXHIBIT 18 TO TRIAL DECLARATION OF PETER CAPARIS





Back to Article

License to Collect: Kmart Collector Days!

Give Dad Something to Rave About

by **HWC Kelly** 06-02-06

Kmart Collector Days celebrates Dad. On **Saturday**, **June 17**, **2006** -- Father's Day Eve -- the floodgates will open for dads, their kids and any other type of Hot Wheels® collector. So hold off on cards that call out Dad's remote con

collector. So hold off on cards that call out Dad's remote control hoarding because Kmart has the ultimate Father's Day gift for Pops: the **Hot Wheels® License Plate Bundle.**



What: Kmart Collector Days event

When: Saturday, June 17, 9:00 AM local times

Where: All continental US Kmart, and participating Sears Essentials and Sears Grand stores, and (in TX only) Sears Mall stores

Just what is the **License Plate Bundle** you ask? Let's just say, now, when you're stuck in traffic -- everyone will know a Hot Wheels® collector is behind the wheel. That's because your license plate holder will boast, "**My Other Car is a Hot Wheels®**." But public declaration isn't the end of it -- you'll also find in the bundle two randomly chosen basic cars to add to your collection.

And we wouldn't let you down – as usual, exclusive mixes will be on hand for this event! Look for three **Exclusive Colors** and three **First-to-Market** cars in the mixes. Check out these jaw-dropping editions:

Exclusive Colors:

- 1970 Plymouth® Barracuda (MOPAR Madness™)
- '69 Corvette® (2006 First Editions™)
- 1970 Chevelle® SS™ (Motown Metal™)

First-to-Market:

- 1969 Pontiac® Firebird® (Red Line™)
- 1967 Camaro® (Motown Metal™)
- Scorchin' Scooter® ("Secret" segment)

Kmart's not the only one hosting this drool-worthy event. Sears Essentials and Sears Grand stores are also fortunate enough to welcome us collecting enthusiasts. And if you happen to live in Texas, mosey on over to a Sears Department Store near you.

So either consider **Saturday**, **June 17**, a perfect day to go Father's Day shopping, or a perfect opportunity to spend some QT with the old man... or the kids... or any collectors in the family...









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Exhibit 18 Page 140









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Standing in the Shadows of Motown - Model 01223613780 at Kmart.com

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Motown Legends, Vol. 3 - Model 73145202842 at Kmart.com

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Gold & Motown - Model 60249863225 at Kmart.com

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Motown 1s - Model 60249861472 at Kmart.com

Owner of one of the deepest catalogs in music history, **Motown**/Universal allows very few recordings to escape the clutches of its archive. ... www.kmart.com/shc/s/p_10151_10104_1260000009932470P?sid... - <u>Similar</u>

Love Songs - Gold - Model 60249836167 at Kmart.com

There are just as many long-established classics that are almost universally adored, including a crop of **Motown** hits the Temptations' "My Girl," Marvin Gaye ... giftregistry.kmart.com/...//p_10151_10104_1260000011287490P?... - Similar

With the Beatles - Model 07777464362 at Kmart.com

While it may share several similarities with its predecessor -- there is an equal ratio of covers-to-originals, a familiar blend of girl group, **Motown**, R&B, ... www.kmart.com/shc/s/p 10151 10104 1260000001617863P?sid... - Similar

Incredible Soul Collection - Model 08122738692 at Kmart.com

... it plays like a favorite jukebox or oldies radio station as it bounces from **Motown** to Stax to Hi or from Chicago to Memphis to Philly. ... giftregistry.kmart.com/.../p_10151_10104_1260000009462601P?... - <u>Similar</u>

1 <u>2</u> <u>3</u> <u>Next</u>

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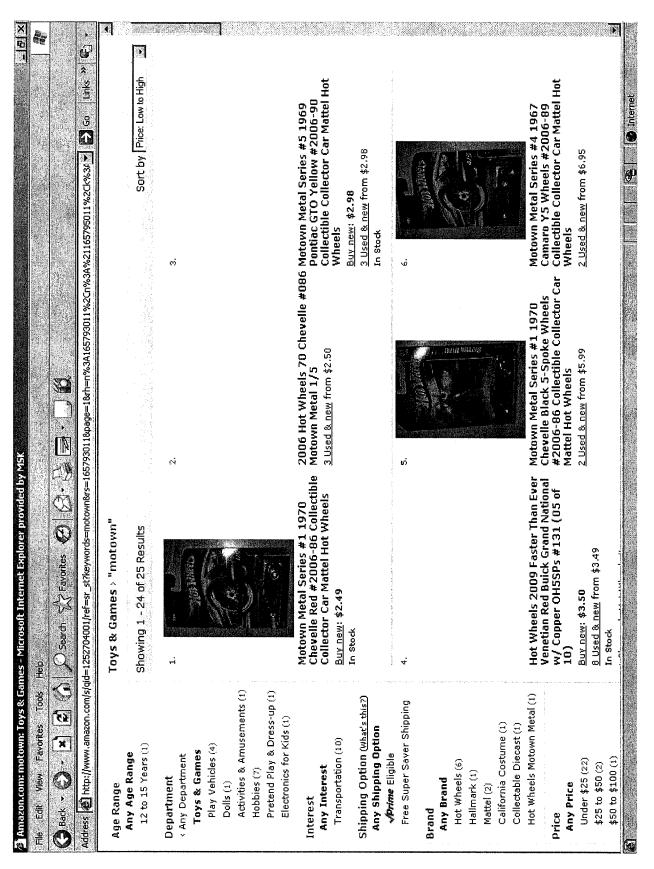
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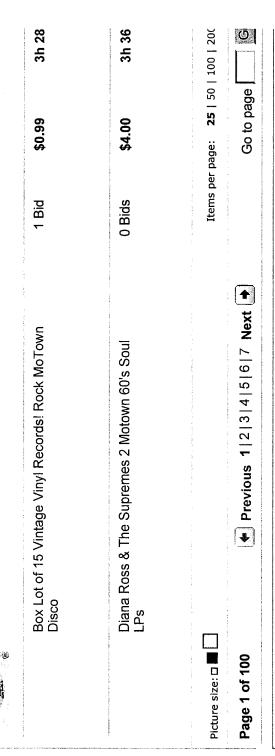
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HOT WHEELS FORD MUSTANG 65 1965 2 OF 5 MOTOWN METAL 06

Store: ERIN'S WHEELS

Store: MAN OF ACTION FIGURES

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Hot Wheels 2006 Motown Metal 089 67 Camaro 5Y 2006 Card

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HOT WHEELS MOTOWN METAL 1965 65 MUSTANG VARIATION RARE!

Store: Treasure Valley Toy B...

\$49.99

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Showing 43 of 43 items found in eBay Stores

Page 1 of 1

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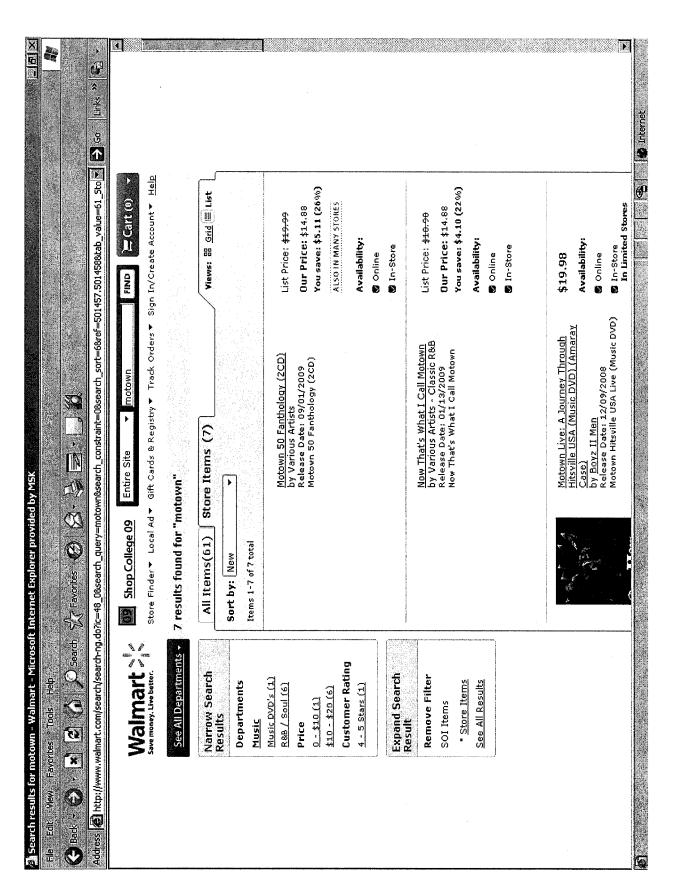
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Find it at a Target store





Now: Motown

ASIN: B002FMAOGQ DPCI: 012-07-0152

Below are the nearest Target stores and current item availability information.

Search Results for "91411"

NOTE: Prices, promotions, styles and availability may vary by store and online. We constantly strive to provide you with accurate item availability information, but because item quantities are constantly changing, the inventory information provided below is only an approximate indication of an item's in-stock status and an item's availability cannot be guaranteed.

Sort by: Distance



DISTANCE

STORE

AVAILABILITY

0.52 miles

Van Nuys

5711 Sepulveda Blvd, Van Nuys, CA 91411

Phone: (818) 779-0163

Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to

10:00pm; Su: 8:00am to 9:00pm.

Available

2.42 miles

Van Nuys North

14920 Raymer St, Van Nuys, CA 91405

Phone: (818) 922-1001

Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to

10:00pm; Su: 8:00am to 9:00pm.

Available

5.03 miles

North Hollywood

11051 Victory Blvd, North Hollywood, CA 91606

Phone: (818) 761-3083

Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to

10:00pm; Su: 8:00am to 9:00pm.

Out Of Stock

5.19 miles

Pacoima

VIEW MAP + DETAILS

9725 Laurel Canyon Blvd, Pacoima, CA 91331

Phone: (818) 896-8214

Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to

10:00pm; Su: 8:00am to 9:00pm.

Limited Availability

6.89 miles

Northridge

8840 Corbin Ave, Northridge, CA 91324

Phone: (818) 772-0494

Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to

10:00pm; Su: 8:00am to 9:00pm.

10:00pm; Su: 8:00am to 9:00pm.

Limited Availability

7.04 miles

Granada Hills

+ DETAILS

11133 Balboa Blvd, Granada Hills, CA 91344

Phone: (818) 360-2999

Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to

Limited Availability

7.36 miles

Woodland Hills

20801 Ventura Blvd, Woodland Hills, CA 91364

Phone: (818) 713-2707

Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to

Out Of Stock

Exhibit 18 **Page 169**

10:00pm; Su: 8:00am to 9:00pm.

7.42 miles Burbank

VIEW MAP + DETAILS 1800 W Empire Ave, Burbank, CA 91504

Phone: (818) 238-0132

Out Of Stock

Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to

10:00pm; Su: 8:00am to 9:00pm.

8.36 miles Los Angeles Topanga

+ DETAILS

6700 Topanga Canyon Blvd, Canoga Park, CA

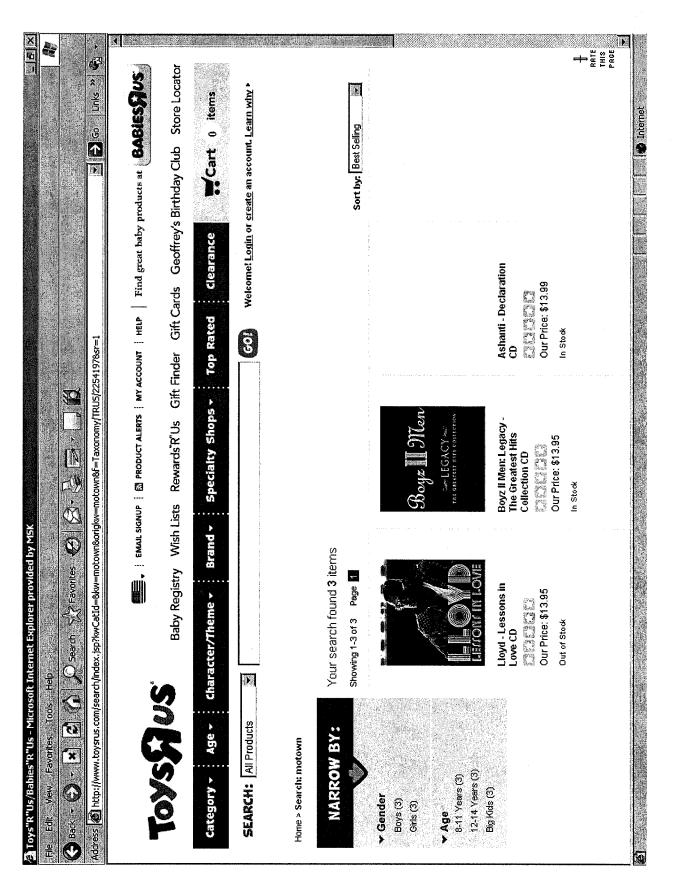
91303

Phone: (818) 746-9922

Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to

10:00pm; Su: 8:00am to 9:00pm.

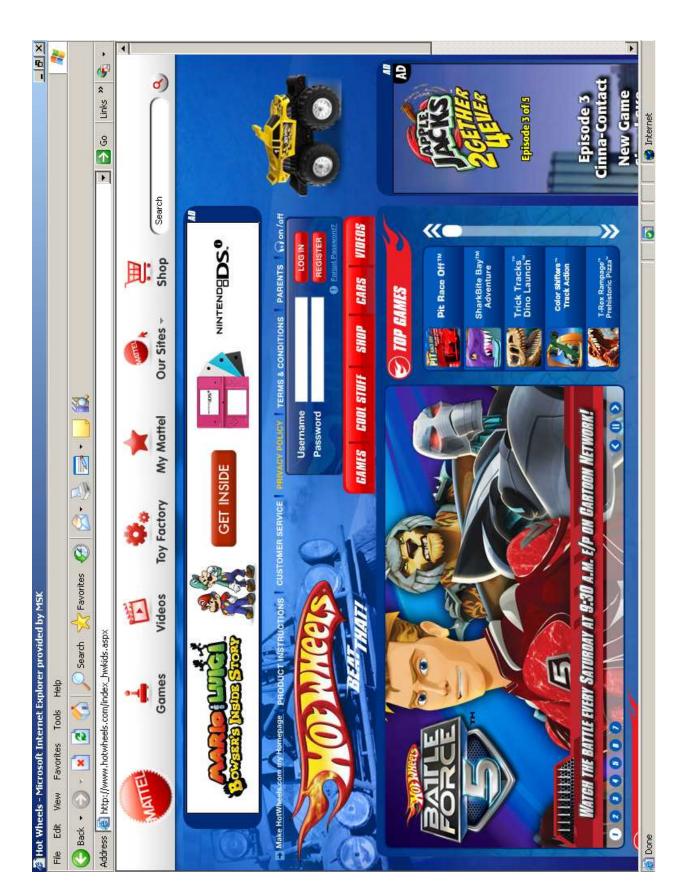
Available



UMG RECORDINGS, INC. v. MATTEL, INC. OPPOSITION NO. 91176791

UMG RECORDINGS, INC.

EXHIBIT 19 TO TRIAL DECLARATION OF PETER CAPARIS



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HOTTEST NEWS & UPCOMING EVENTS

Wood Shop: A Look At The Real Larry's Garage™



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Hot Wheels® designer Larry Wood tells tales of wild cars and even wilder road trips. More...

Special Hot Wheels® Cases Offered At Kmart.com!



Grab them while you can! More...

More News

Mattel Launches a New Network -- One Big Happy Online Family!



Connecting all the sites into one network! More...

NEXT HWC™ OFFER



RLC™ Only: 9/15/09, 9 AM PT

HWC™

If available: 9/16/09, 9 AM PT

Sale starts in: Days Hrs. | Mins. | Secs.

19:50:46



HW C™ Series Eight NEO-CLASSICS™ **SUGAR CADDY™**

IN THE SHOP

Available NOW to ALL HWC™

- End-of-Summer Sale ON NOW!
- Kmart Collector Day Event Returns September 19th
- Kmart 2009 HOT WHEELS® Collector Edition '67 Pontiac® GTO® Promotion
- Collected: The Hot Wheels® Classics 30-Car Set
- Introducing The Larry's Garage™ 21-Car Collection!



BOARD DISCUSSIONS

What collectors are talking about today:

New Wheels? - carwizard64

=> WANTED: Rebel Rides '70 Mach 1 M... - gr6120

WE NEED A CHEVELLE FIVE PACK PLEASE - carwizard64

Loose Camaros - ca856

Wal-Mart Redlines for trade....make... - nomar

new classics series 5 chases - carwizard64

WM redlines Ft - gtkp

found new 2010 hot wheel pictures! - carwizard64

L/F Larry's TRU Gasser - plaidbees

New guy - hot wheeler 0869

question about the mail in vw fast ... - jha112897

***PLEASE POST YOUR BIRTHDAY HERE**... - toys4uanme

Walmart cars redline or tires with ... - six-pack

Sweet Rides Dairy, 55 Panel & more ... - nomar

\$upers for Chase 59 Cadillac Funny ... - Funeral Racer

SWEET RIDES SET f/t - hunting4newhotwheels

WM Full Redline Set & DD's & Camaro... - nomar

09 Redlines! - crushpup

<u>Limited Number of Stores - KMart Co...</u> - Bigdog6374

"WHY, DO YOU COLLECT HOT WHEELS "... - Indio55





CALENDAR OF EVENTS

«		Septe	mber	2009		»
s	М	Т	W	Т		s
		1	2	<u>3</u>	4	5
6	7	8	9	<u>10</u>	11	12
13	<u>14</u>	15	16	17	18	19
20	<u>21</u>	22	23	24	25	26
27	<u>28</u>	29	30			

Find out what, when, and where hot events are happening

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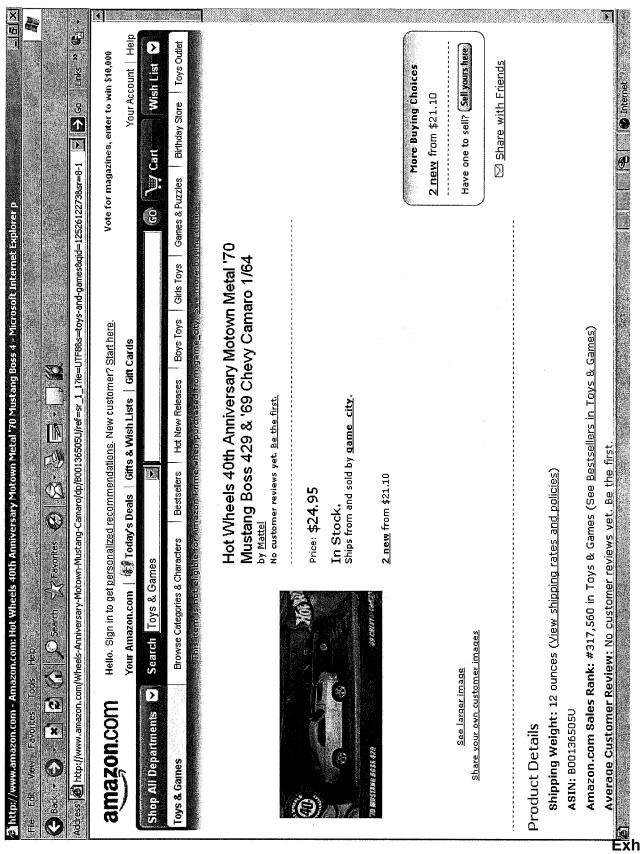
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UMG RECORDINGS, INC.

EXHIBIT 20 TO TRIAL DECLARATION OF PETER CAPARIS





UMG RECORDINGS, INC. v. MATTEL, INC. OPPOSITION NO. 91176791

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EXHIBIT 21 TO TRIAL DECLARATION OF PETER CAPARIS

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Music

Motown For Kids

Various Artists (Artist)

(3 customer reviews) | More about this product

List Price: \$13.98

Price: \$10.97 & eligible for FREE Super Saver Shipping on

orders over \$25. Details

You Save: \$3.01 (22%)

Special Offers Available

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Ships from and sold by Amazon.com. Gift-wrap available.

Want it delivered Monday, September 14? Order it in the next 21 hours and 22 minutes, and choose One-Day Shipping at checkout. Details

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Songs for the Car ~ Various Artists

(2) \$10.97



Miss Ella's Playhouse ~ Ella Fitzgerald

(2) \$10.97



<u>Jazz for Kids: Sing,</u> <u>Clap, Wiggle and Shake</u>

~ Various Artists

(65)



\$10.97

<u>Future Idols</u> ~ Various Artists Next



A Holly Jolly Kids
Christmas ~ Various
Artists

(6) \$9.98



E Product Details

Audio CD (August 19, 2008)

Number of Discs: 1

Label: Motown / Universal

ASI N: B000YVJQZK

In-Print Editions: MP3 Download

Average Customer Review: (3 customer reviews)

Amazon.com Sales Rank: #5,951 in Music (See Bestsellers in Music)

Would you like to update product info or give feedback on images?

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Songs from this album are available to purchase as MP3s. Click on "Buy MP3" or view the MP3 Album.

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Sam	ples	Preview All > N	⊕ ≡		
	Song Title	Artist	Time	Price	
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	3. Mickey's Monkey	The Miracles	2:45	\$0.69	Buy MP3
	4. Dancing In The Street	Martha Reeves And The Vandellas	2:39	\$0.99	Buy MP3
	5. Function At The Junction	Shorty Long	2:49	\$0.99	Buy MP3
F	6. (I'm A) Road Runner	Jr. Walker & The All Stars	2:48	\$0.69	Buy MP3
F	7. Please Mr. Postman	The Marvelettes	2:29	\$0.99	Buy MP3
F	8. This Old Heart Of Mine (Is Weak For You	The Isley Brothers	2:44	\$0.99	Buy MP3
F	9. You Can't Hurry Love	The Supremes	2:53	\$0.99	Buy MP3
F	10. Do You Love Me	The Contours	2:52	\$0.99	Buy MP3

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A Flintstones Motown Christmas

(1 customer review) | More about this product Va-Flintones Motown Christmas

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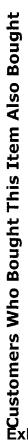
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Amazon's Va-Flintones Motown Christmas Store



Find all the CDs, MP3s, and vinyl, plus photos, videos, biographies, discussions, and more.

Visit Amazon's Va-Flintones Motown Christmas Store



http://www.amazon.com/Flintstones-Motown-Christmas-Various-Artists/dp/B0000047ND/ref=sr_1_1?ie=UTF8&s=music&qid=12527... 9/11/2009

Page 181

A Flintstones Christmas Carol DVD ~ Russi Taylor (30) \$8.49

Product Details

Audio CD (October 5, 1999)

Original Release Date: October 5, 1999

Number of Discs: 1

Label: Umvd Special Markets

ASIN: B0000047ND

Also Available in: Audio Cassette

(1 customer review) Average Customer Review: Amazon.com Sales Rank: #29,851 in Music (See Bestsellers in Music)

Popular in these categories: (What's this?)

#25 in Music > Miscellaneous > Compilations > Holiday Music #88 in Music > Miscellaneous > Holiday > Pop Vocal

#100 in Music > Miscellaneous > Holiday > Holiday Music

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A Music Sampler

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I hereby certify that this correspondence is being transmitted electronically through ESTTA pursuant to 37 C.F.R. §2.195(a) on September 15, 2009.

Kimberly L. Stewart

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Mitchell Silberberg & Knupp LLP, 11377 West Olympic Boulevard, Los Angeles, California 90064-1683.

On September 15, 2009, I served a copy of the foregoing document(s) described as TRIAL DECLARATION OF PETER CAPARIS on the interested parties in this action at their last known address as set forth below by taking the action described below:

Counsel for Applicant.

Lawrence Y. Iser (liser@kwikalaw.com)	Counsel for Applicant,
Direct (310) 566-9801	MATTEL, INC.
Direct Fax (310) 566-9861	
Patricia A. Millett (pmillet@kwikalaw.com)	
Direct (310) 566-9821	
Direct Fax (310) 566-9870	
Chad R. Fitzgerald (<u>CFitzgerald@kwikalaw.com</u>)	
Direct 310.566.9802	
Direct Fax 310.566.9882	
Kinsella, Weitzman, Iser, Kump & Aldisert LLP	
808 Wilshire Boulevard, 3rd Floor	
Santa Monica, CA 90401	
(310) 566-9800	
Fax: (310) 566-9850	
BY MAIL: I placed the above-mentioned docume addressed as set forth above, and deposited each en California. Each envelope was mailed with postage	velope in the mail at Los Angeles,
BY OVERNIGHT MAIL: I placed the above-me envelope(s) designated by the carrier, with delivery as set forth above, and deposited the above-describe ordinary course of business, by depositing the documentation maintained by the carrier or delivering the documentarrier.	fees provided for, and addressed ed document(s) with in the ment(s) in a facility regularly
BY PERSONAL DELIVERY: I placed the above envelope(s), and caused personal delivery by above to the person(s) at the address(es) set forth all	of the document(s) listed
BY ELECTRONIC MAIL: I served the above-mat:m. on the parties listed at the email add knowledge, the transmission was complete and with an electronic notification to the contrary.	resses above and, to the best of my
BY FAX: On, at am/pr, before placing the above-described docu	n, from facsimile number (310) ument(s) in sealed envelope(s)

addressed as set forth above, I sent a copy of the above-described document(s) to each of the individuals set forth above at the facsimile numbers listed above. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine, and a copy of that report is attached hereto.

I declare under penalty of perjury under the laws of the United States that the above is true and correct.

Executed on September 15, 2009, at Los Angeles, California.

2373436.1/16922-00194